

22-03-2023

ct no. 13

sl. 17

pk

WPA 4107 of 2023

Najmul Hoda Ansari & Anr.

-Versus-

The State of West Bengal & Ors.

Mr. K.M. Hossain,

Mr. Syed Mosiher Rahaman

...for the petitioner

Ms. Chaitali Bhattacharjee,

Mr. Manas Kumar Sadhu

...for the State

Petitioner No. 1 is the maternal grandfather of petitioner no. 2, who is the minor son of petitioner no. 5.

The petitioners seek mandamus on the Commissioner of Police to attach the salary of the 5th respondent to meet the educational expenses of the petitioner no.2. Admittedly, by an order of maintenance under Section 125 of the Cr. P.C., the petitioner no. 1 has been receiving Rs. 5,000/- per month from the private respondent no.5. The petitioner no. 1 submits that the said amount is insufficient for meeting educational expenses of the petitioner no.2 He has therefore prayed before the Commissioner of Police to attach the salary of the respondent no.5 to compel him to meet the educational expenses of the petitioner no.2.

Ms. Chaitali Bhattacharya, learned counsel for the State submits that the respondent no. 5 is also paying maintenance to his second wife and children from such second marriage. 2/3 of the salary of the respondent no.5 remains attached. The respondent no.5, father of petitioner no. 2, is only getting Rs.7,280/- as on date.

Be that as it may, the Commissioner of Police is not authorized to effect any deduction from the salary of the respondent no.5 in favour of the petitioner no.2.

The petitioner no.1 may apply for appropriate enhancement and maintenance under the provisions of the Cr. P.C. or any other statute against the respondent no.5.

With the aforesaid observations, W.P.A. 4107 of 2023 shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)