

31.07.2023
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WPA (H) 37 of 2023
Biman Das
– Versus –
The State of West Bengal & Others

Md. Abdur Rakib,
Mr. Sourav Paul
... for the Petitioner.
Mr. Debabrata Chatterjee,
Mrs. Amrita Panja Moulick
... for the State.
Mr. Pranojit Ray
... for the Respondent no.8.
Mr. Arka Mahalanobis
... for the Respondent no.9.

The present writ petition has been preferred primarily praying for the following relief:

‘a) A writ of and/or in the nature of Habeas Corpus do issue directing the Respondents and/or their men, agents or subordinate to forthwith recover and produce the wife of the Petitioner namely Neha Pandey before this Hon’ble Court.’

Md. Rakib, learned advocate appearing for the petitioner submits that the petitioner, namely Biman Das (in short, Biman) married Neha Pandey (in short, Neha) on 13th September, 2018 and since then Neha was residing willingly with him at her matrimonial house. Subsequently matrimonial disputes arose between the parties for which Neha’s parents were instrumental. In the month of February, 2021 during Covid pandemic period Neha was allowed to visit her

parental house but thereafter, Neha's parents illegally confined her. A complaint to that effect was lodged but the police authorities did not take any steps.

Mr. Chatterjee, learned advocate appearing for the State respondents, however, submits that it is a purely matrimonial dispute between the two adult persons. A mutual divorce was filed jointly by Biman and Neha and the same was registered as MAT Suit no.1838 of 2021. Subsequently, Biman withdrew the said suit on 7th December, 2022, as would be explicit from the order annexed at page 97 of the writ petition.

Mr. Chatterjee further submits that a self-declaration was submitted by Neha before the Zinzira Police Station wherein she has categorically stated that she was willingly residing at her parental house. Let a copy of the same, as produced, be kept on record.

Mr. Roy, learned advocate, enters appearance on behalf of the respondent no.8 and Mr. Mahalanobis, learned advocate, enters appearance on behalf of the respondent no.9. They deny and dispute the contention of the petitioner and submit that Neha is willingly residing at her parental house.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, both Biman and Neha are adult persons. They entered into a matrimonial relationship

in the year 2018. Subsequently there was a matrimonial dispute between them and they filed an application for mutual divorce. However, the said MAT suit was withdrawn by Biman. From the self-declaration of Neha, as produced, it appears that she is willingly residing at her parental house at B4, 112/4, Shibrampur Road, Sarkar Pool, P. S. – Maheshtala, Kolkata – 700 143.

In the said conspectus and as we do not find any material to infer that Neha has been illegally detained, we are not inclined to interfere in the present *habeas corpus* petition, being WPA (H) 37 of 2023 and the same is, accordingly, disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)