

16.08.2023  
rpan/05

**WPA (H) 38 of 2023**  
**Lakshi Roy**  
– *Versus* –  
**The State of West Bengal & Others**

Mr. Raja Biswas,  
Mr. Abhijit Sarkar  
... for the Petitioner.  
Mr. Debabrata Chatterjee,  
Ms. Amrita Panja Moulick  
... for the State.

Almost after thirty-six years the writ petitioner has knocked the door of this Court with a prayer for issue of writ of *habeas corpus* for production of the body of one Arun Roy (in short, Arun), being the husband of the petitioner.

The learned advocate appearing for the petitioner submits that the petitioner married Arun thirty-seven years ago and they were blessed with a female child and when the child attained the age of one year, then her husband went missing. Being subjected to mental and physical torture, she was forced to leave her matrimonial house and take shelter in her paternal house. She approached the local police station so that her husband is traced out but the police authorities did not take any effective steps and hence, she has been constrained to prefer this writ petition.

Ms. Panja Moulick, learned advocate appearing for the State submits that no missing diary was lodged on contemporaneous date or dates and no particulars

of the missing person have been provided to the police authority and even from which date the husband of the petitioner was missing has not been disclosed. Now only to get the share of produce from the land in which her husband was *Bargadar*, the petitioner has filed two representations in 2022 and 2023 and approached this court.

The report, as produced by Ms. Panja Moulick, is kept on record.

Heard the learned advocates, perused the materials and the report, as submitted.

Writ jurisdiction is a discretionary jurisdiction and the Court may refuse to exercise such discretion in case of inordinate delay. From the report, as produced by Ms. Panja Moulick, it transpires that although the husband of the petitioner went missing almost 36 years ago but no effective steps have been taken by and on behalf of the petitioner on contemporaneous date or dates. From the materials, as produced before us, it does not suggest that there is any substance to lead us to infer that the husband of the petitioner is wrongfully detained by any person or any authority.

In view of such facts and circumstances, we are not inclined to interfere in the writ petition and accordingly, the same stands dismissed.

However, it is clarified that this order shall not preclude the writ petitioner from taking appropriate

steps, in accordance with law in the appropriate forum.

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.)**