

05.09.2024
Sl. No.6(DL)
srm

W.P.A. No. 17775 of 2024

Ruma Ghosh

Versus

The State of West Bengal & Ors.

Mr. Satadru Lahiri,
Mr. Sayan Kanjilal

...for the Petitioner.

Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar

...for the State-respondents.

The petitioner's premises was sealed in the process of an investigation under the Immoral Traffic (Prevention) Act, 1956. It is contended by the petitioner that all the medical documents, belongings and other important materials are still in the said flat and necessary steps should be taken by the appropriate authority to restore the flat to the petitioner. It is contended by the petitioner that the flat was wrongly sealed.

The petitioner also approached the learned jurisdictional court with such prayer for release of the flat. The learned Judge was of the view that as a confiscation process was pending before the District Magistrate, South 24-Parganas, under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,

2002, the court could not pass any order. Accordingly, the petition dated February 4, 2023 was dismissed.

It appears that the flat was sealed on the ground that the premises was used for commercial sexual exploitation of minor girls.

This Court is not inclined to make any observation on the merits of the claim of the petitioner. However, the matter is pending before the District Magistrate, South 24-Parganas and the petitioner has also approached the District Magistrate by filing a representation, which is at page 114 of the writ petition.

The writ petition is disposed of directing the District Magistrate, South 24-Parganas, to treat this writ petition as a representation of the petitioner filed in connection with the proceeding already before the District Magistrate and pass necessary orders in accordance with law, upon compliance of the principles of natural justice.

The decision should be taken within a period of three months from the date of communication of this order.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)