

22.08.2024
Item No.2
Daily List
Ct. No.26
CHC
(disposed of)

WPA(H) 67 of 2024

Debendra Nath Dolai
Vs.
State of West Bengal & ors.

Mr. Uday Narayan Betal, Advocate
Mr. Mriganka Patra, Advocate
....for the petitioner

Mr. Debabrata Chatterjee, Sr. Govt. Advocate
Mr. Simanta Kabir, Advocate
...for the State respondents

1. Writ petition is at the behest of the husband claiming that, the wife was illegally detained by the private respondents and that, the private respondents allegedly stole the properties of the writ petitioner.

2. Learned advocate appearing for the State submits that, the wife of the writ petitioner was recovered. Since, there is a police case as against the wife, she will be produced before the jurisdictional Court today.

3. We do not find any special circumstances requiring invocation of Habeas Corpus Writ jurisdiction in the facts and circumstances of the present case. Writ petitioner was well aware with whom his wife is with. Wife is an adult.

4. In such circumstances, we find no merit in the present writ petition.

5. Dismissing the writ petition simpliciter will not subserve the interest of justice.

6. In view of the writ petitioner invoking the jurisdiction without essential jurisdictional fact obtaining, we impose cost of Rs.10,000/- (Rupees Ten Thousand) to be paid by the petitioner within seven days from date to the West Bengal State Legal Services Authorities, Kolkata. Petitioner will submit documentary evidence of payment of such costs with the District Magistrate, Paschim Medinipur. In default, the District Magistrate, Paschim Medinipur will initiate proceeding for recovery of the same as arrears of land revenue from the writ petitioner.

7. Learned advocate for the State will communicate this order to the District Magistrate, Paschim Medinipur for compliance.

8. WPA(H) 67 of 2024 is **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)