

April 29, 2024
AD 44
Ct. No.14
SG

WPA 26832 of 2023

Smt. Gayanti Rai
vs.
The State of West Bengal and others

Mr. Nitai Chandra Saha
Mr. Abhijit Chandra Majumder
... for the petitioner

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
... for the State

Mr. Madhu Jana
... for the respondent Nos.5 & 6.

Report filed by the State is taken on record.

Learned counsel for the petitioner submits as follows. The petitioner wants to avail of the death benefits of her deceased husband from the concerned offices. But, the respondent Nos.5 and 6, her in-laws, are preventing her from doing so.

Learned counsel for the respondent Nos.5 and 6 denies the allegations and submits that earlier the petitioner had filed an FIR against her husband and other in-laws. Of her volition, she has left the matrimonial home. Therefore, there is no question of the respondent Nos.5 and 6 trying to prevent her from going to offices for availing of purported death benefits of her husband.

Learned counsel for the State relies on the report and submits that on the earlier complaint made by the petitioner, an FIR was lodged against the accused. No

prayer has been made before the police authorities that the parents-in-law were preventing the petitioner from going to offices to claim death benefits.

It is surprising that neither has there been any specific pleading in the writ petition nor has a representation being made before the police that the parents-in-law were preventing the petitioner from going to different offices for claiming the death benefits.

Therefore, the writ petition is disposed of, albeit, without any order as to costs.

However, the petitioner shall be at liberty to make a representation before the police authorities in the event she believes that the parents-in-law are actually preventing her from going to different offices to avail of the death benefits.

Such representation, if made, shall be decided expeditiously and in accordance with law. The authority shall not be swayed by any observation made in the writ petition.

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

[Jay Sengupta, J.]