

ML-80
14.06.2024
Court No. 14
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 27599 of 2023

**Bimal Kanti Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Sabyasachi Chatterjee.
Mr. Badrul Karim.
Mr. Sarajit Roy.
... For the petitioner.**

**Mr. Prabal Kumar Mukherjee. Sr. Adv.
Ms. Shebatee Dutta.
... For the respondent nos. 6 to 9.**

**Mr. Sumon Ghosh.
Mr. Sankha Prasad Roy.
... For the State.**

The petitioner sought for enquiry regarding missing of one Bhaskar Sinha, who happens to be the relative of the petitioner and who according to the petitioner was in the custody of the private respondents.

The said Bhaskar Sinha was mentally ill and physically disabled. Complaint was lodged before the police and as no steps were taken in response to the complaint, the writ petition has been filed.

Learned advocate representing the State respondents relies upon a report forwarded by the Officer-in-Charge, Chetla P.S. signed on 14th December, 2023. The report mentions that on receipt of a complaint in the month of June 2021, an enquiry was conducted and the said Bhaskar Sinha @ Babu Sinha was examined and the examination was videographed. The videograph has been annexed to the report in a compact disc. Bhaskar Sinha disclosed that he intends

to continue to live with the family of the private respondents. In June 2023 a missing complaint was lodged by the petitioner.

The report of the police further mentions that on receipt of the complaint an enquiry was again conducted and it could be learnt that Bhaskar Sinha @ Babu Sinha died at Sambhu Nath Pandit Hospital, Kolkata on 19th December, 2022 due to cardio-respiratory failure in a case of septicemia. The death certificate issued by the hospital and the death registration certificate issued by the Kolkata Municipal Corporation have been annexed to the report. The persons with whom Bhaskar Sinha used to reside, i.e. Maya Sinha and Ruma Sinha also expired on 10th May, 2021 and 18th May, 2021 respectively. The death certificates of Maya Sinha and Ruma Sinha are also annexed to the report.

On the death of Maya Sinha, Ruma Sinha and Bhaskar Sinha there is no direct successor of the property in question comprising of two rooms, bath and common space (1586 Sq. Ft. approx) situated at 41/9, Chetla Road, P. S. Chetla.

It has been enquired and it revealed that the premises is presently under possession/occupation of the family of Saraswati Gupta. The said Saraswati Gupta has relied upon one notarial lease agreement between the Bhaskar Sinha and Saraswati Gupta dated 7th June, 2021 which is annexed to the report of the police.

From the facts which appears from the report filed by the police, no further order can be passed in the instant writ petition.

The parties will be at liberty to approach the competent forum for further relief.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)