

WPA (H) 18 of 2024

(Gita Devi Vs. The State of West Bengal & Ors.)

Mr. Shareq Siddique
Mr. Shahnawaz Alam

..... For the petitioner

Mr. Simanta Kabir

..... For the State respondents

The present writ petition was preferred *inter alia* praying for issuance of necessary direction upon the respondents to recover the husband of the petitioner and to produce him in Court.

Mr. Siddique, learned advocate appearing for the petitioner, namely, Gita Devi (in short, Gita) submits that Gita's husband, namely, Monia Rabidas (in short, Monia) suddenly went missing from his residence on and from 21st February, 2011. Such fact was intimated to the respondent no. 7 and thereafter Burtolla PS GD No. 1126 dated 13th June, 2011 was registered. However, the police authorities did not take any steps in spite of repeated reminders and lastly, a representation was submitted to the respondent no. 7 on 18th January, 2024. The same was also not considered. Aggrieved thereby, Gita had approached this Court.

He further submits that Monia was working as a *majdoor* under the Kolkata Municipal Corporation

(hereafter referred to as KMC). In spite of being informed by Gita that her husband is missing, the authorities of KMC have also not taken any step and as a consequence thereof, Gita had been the worst sufferer.

Mr. Kabir, learned advocate appearing for the State respondents, however, denies and disputes the contention of Gita and submits that on the basis of GD No. 1126 dated 13th June, 2011 and pursuant to an order passed by a coordinate Bench of this Court on 3rd March, 2025, the police personnel visited the office of Borough-II, KMC and contacted with the Assistant Director and came to learn that he was working as a *sweeper* in the said office and that he was dismissed from his service on 21st February, 2012 due to unauthorized absence.

He further submits that pursuant to the order dated 3rd January, 2025, the investigating officer issued a letter to Gita to furnish the relevant documents so that further steps can be taken in the matter. In response thereto, Gita, by a representation dated 22nd March, 2005, intimated *inter alia* that the documents as sought for, being the AADHAAR Card, Voter Card, PAN Card of Monia were not in her custody and in the said representation, it was also submitted by Gita that she '*did not find all the*

documents, my belief is that Monia Ravidas took all these documents with him while leaving'. In the said representation there was no allegation that Monia had been illegally detained by any authority. In the report it has also been indicated that Gita submitted an application on 31st August, 2019 for compassionate appointment.

Mr. Kabir submits that the police authorities made a sincere endeavour to ascertain the whereabouts of Monia by sending requisition to the major hospitals in the city. The missing information of Monia was also uploaded in the '*Missing Person Portal*' through *email* and information was also sought for from various other police stations.

According to Mr. Kabir, Monia allegedly went missing on and from 21st February, 2011, but the writ petition was filed about 13 years thereafter in the year 2024. There is no explanation whatsoever in the writ petition as regards such delay.

We have heard the learned advocates appearing for the respective parties and considered the materials on record including the reports filed before this Court.

A writ in the nature of *habeas corpus* is a prerogative writ by virtue of which the causes and validity of detention of a person are investigated by a

summary procedure. In the writ petition, there is no explanation as regards the delay of about 13 years in approaching this Court. It appears that Monia was an employee under the KMC and he was also dismissed in the year 2012 on the ground of unauthorized absence.

We do not find any material on record to infer that Monia had been illegally detained. Where such basic ingredient of a *habeas corpus* petition regarding illegal detention is missing, this Court cannot convert itself into a monitoring agency and supervise any investigation or usurp the ordinary administration of criminal justice.

In view thereof, no further interference is called for in the present writ petition and the same is, accordingly, disposed of.

There shall, however, be no order as to costs.

Nothing in this order shall, however, prevent the petitioner from initiating proceedings before any other Court or forum seeking relief, in accordance with law.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)