

06.08.2025
Item No.04
Court No.11
Avijit Mitra

WPA (H) 44 of 2025
With
IA NO.CAN 1 of 2025
Basanti Roy Paul
-versus-
The State of West Bengal & ors.

Mr. Satrajit Sinha Roy,
Mr. Manjit Bhattacharta
....for the Petitioner
Mr. Rana Mukherjee, Ld. A.P.P.,
Mr. Simanta Kabir
...for the State
Mr. N.K. Chatterjee,
Mr. S. Karmakar,
Mr. A. Roy
....for the respondent nos. 9, 11, 13, 21 & 22

The present writ petition was preferred by one Basanti Roy Paul (in short, Basanti) alleging *inter alia*, that on 16th May, 2025 she visited premises no.4/H/7, Roy Para Lane, Kolkata-700050 where her mother, namely, Purnima Biswas (in short, Purnima) was residing and found that Purnima and her brother, namely, Bablu Biswas (in short, Bablu) were missing and that they had been abducted by the respondent nos. 11 to 25. It was further stated that the said private respondents were creating commotion and criminal intimidation. Complaints to that effect were not taken into consideration by the police authorities and as such the writ petition was preferred primarily praying for the following relief:

‘(a) Issue a writ and/or of in the nature of Habeas Corpus calling upon the respondents 1, 2, 3, 4 and

5 each of them to act in accordance with law and to assign reasons as to why the respondent 3, 4, 5 and 6 should not be directed to produce the said Purnima Biswas and Bablu Biswas before This Hon'ble Court.'

The matter first came up for hearing before this Court on 18th June, 2025 when Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State submitted that Purnima appeared before the officer concerned at Sinthi Police Station and stated she was residing at Post Office-Bediapara, Police Station –Dum Dum, Kolkata-700077. The documents produced in support of such contention were kept on record and the matter was made returnable on 16th July, 2025. On the said date, Purnima and Biswajit were present in Court and they submitted that they were being tortured by Mr. Tapan Roy Paul (in short, Tapan) being, the husband of Basanti. On the said date, Basanti was also personally present before this Court and she submitted that she had been forced to file the writ petition by Tapan. She apprised this Court that she is residing along with her two sons at her maternal uncle's house. Tapan was also present before this Court on the said date and he submitted that he would affirm an undertaking that henceforth he will neither threaten nor disturb Purnima, Biswajit and Basanti in any manner whatsoever.

Upon hearing the learned advocates, this Court on 16th July, 2025 directing the Officer-in-Charge, Nagerbazar Police Station under whose jurisdiction

Purnima is residing and the Officer-in-Charge, Sinthi Police Station under whose jurisdiction Basanti is residing, would ensure that no physical harm is caused to them and the matter was made returnable on 23rd July, 2025.

On the said date, the matter was adjourned and today, it has come up for hearing. Surprisingly, today Basanti, who is present in Court, submits that her mother, namely, Purnima has been illegally detained by the private respondents, who happen to be the developers and that, a complaint to that effect had already been lodged. Such submission of Basanti is totally different from what she submitted before this Court on 16th July, 2025.

Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State respondents submits that Purnima and Biswajit have themselves appeared before this Court personally and submitted that they were residing at 1144/2, R.N. Tagore Road, Police Station –Nagerbazar, Kolkata-700077 and that they had, in fact, been tortured by Tapan.

Mr. Chatterjee, learned advocate appearing for the private respondent nos. 9, 11, 13, 21 and 22 denies and disputes the contention of Basanti and submits that the allegations levelled against them are absolutely unfounded.

From the records it would thus reveal that there is a dispute between the parties *inter se*. Pursuant to our earlier direction, Tapan is present before this Court and he has filed an affidavit-of-undertaking stating, *inter alia*, that he had not threatened Purnima, Biswajit and Basanti and shall not threaten them in future. Let the said affidavit, as produced, be kept on record.

Basanti alleged that Purnima is missing. However, Purnima herself appeared before this Court and submitted that she is residing along with her son Biswajit at the address stated above. In view thereof, this is not a case of illegal detention. Serious allegations and counter allegations have been made by the parties and as regards such dispute complaints have been registered and investigation is in progress.

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. This Court in exercise of its jurisdiction cannot usurp the ordinary administration of criminal justice. In view thereof, no further interference is called for in the present writ petition and the connected application. Accordingly, the same are dismissed.

Nothing herein shall, however, prevent Basanti from initiating appropriate proceedings before any other forum seeking relief, according to law.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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