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jdt. 15.12.2025
jb.

WPA 19927 of 2023
(Monika Jana vs. State of West Bengal & Ors.)

Mr. Debabrata Das
.... For the Petitioner
K. J. Yusuf
Ms. Rupsha Chakraborty
.... For the State

Affidavit in reply filed by the petitioner is taken on record.

The petitioner alleges that her father who is of unsound mind has been confined forcibly by the 7th respondent who is his brother and she along with her mother was driven out of her paternal house. She seeks a direction upon the Chief Medical Officer, Health Department, Government of West Bengal to examine her father in order to ascertain whether he is of sound mind.

It appears from the report submitted by the State that Sri Arabinda Jana, father of the petitioner submitted a self declaration before the police authority stating that he is voluntarily residing with the 7th respondent and has not been forcibly confined. He has claimed to be physically fit and has also stated that his elder brother takes care of his medical treatment and he is not tortured physically or mentally by him. He has alleged that his daughter (the petitioner herein) has lodged several false complaints before various authorities against his elder brother and his family. He wishes to reside with her elder brother and does not wish to return to his wife and daughter.

Upon consideration of the material on record, it appears that there are several factual issues involved herein

which cannot be decided by this Court in exercising jurisdiction under Article 226 of the Constitution of India. A civil suit is pending between the parties. The prayer made by the petitioner in the present application has also been made in the civil suit. The same prayer cannot be entertained by this Court parallelly.

The petitioner is at liberty to approach the civil Court for redressal of her grievance.

The writ petition is dismissed.

There shall be no order as to costs.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)