

November 6, 2025

(3) ARDR

WPA 24916 of 2025

Sumit Ray

Vs.

The State of West Bengal & ors.

Sr. Adv. Subir Sanyal (through VC),
Adv. Atarup Banerjee,
Adv. Arindam Sen,
Adv. Saurav Basu,
Adv. Samit Bhanja,
Adv. Sumik Biswas,
Adv. Payel Maji,

...for the petitioner.

Adv. Sandip Das,
Adv. Santi Sena Dawn,

...for the private respondents.

Adv. Suman Sengupta,
Adv. Gourav Das,

....for the State.

Supplementary affidavit filed by the petitioner and the report submitted by the State are taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the property in question was gifted to the petitioner by his mother by virtue of a deed of gift. The petitioner's brother died of cancer in the said property. The 5th respondent is the wife of the deceased and the 6th respondent her son. After death of the brother, the 5th respondent who is the wife entered the property and has been practising witchcraft/black magic therein, thereby endangering the life of the inmates of the house. The petitioner seeks a direction upon the police authority to take necessary steps in order to protect the life and shelter of the petitioner.

Learned counsel for the private respondents submits that the 5th respondent has filed a petition before the

learned trial Court in a matrimonial suit against her husband, since deceased, seeking shelter.

Learned counsel for the State submits that in compliance with the order passed on November 4, 2025, strict vigil is being kept at the premises and no untoward incident has taken place till date.

I have considered the rival submission of the parties.

Application filed by the 5th respondent against her husband in the matrimonial suit probably has no relevance in the present matter. It is clearly laid down in Section 100(1)(b) of the Mental Healthcare Act, 2017 that every Officer in charge of a police station shall have a duty to take under protection any person within the limits of the police station whom the officer has reason to believe to be a risk to himself or others by reason of mental illness. Section 100(3) envisages that every person taken into protection under sub-section (1) shall be taken to the nearest public health establishment as soon as possible but not later than twenty-four hours from the time of being taken into protection, for assessment of the person's healthcare needs.

In view of the above, this Court grants liberty to the police authority to take necessary steps under Section 100 of the 2017 Act at the earliest.

With the aforesaid observation and direction, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)