

15-05-2025
Item No.3
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.26166 of 2024

Gangomoni Senapati

-vs-

The State of West Bengal & Ors.

Mr. Bhaskar Chakraborty

Mr. Subrata Mukherjee ...for the petitioner

Mr. Srijan Nayak

Mr. Biplab Das

Mr. Ankit Sureka ...for the Cooperative Societies

Mr. Madan Mohan Roy

...for the Samity

Mr. Tanmoy Mukherjee

Mr. Manoranjan Jana

Mr. Souvik Das

Mr. Soumava Santra...for the private respondents

1. The petitioner seeks for a direction upon the Secretary of Dahadaya Samabay Krishi Unnayan Samity being a bank for release of certain amount which is being held in fixed deposit in the name of her minor grandson, the sixth respondent herein.
2. The amount was originally standing in the name of the son of the petitioner, since deceased. As the grandson of the petitioner was recorded as nominee, accordingly, the money is currently being held by him. The petitioner intends to have 1/3rd share of the said amount.
3. It appears that the private respondents approached this court in an earlier writ petition being WPA No.13079 of 2021 (Kakali Senapati & Anr. v. The State of West Bengal & Ors.). The court vide order dated August 3, 2022 directed

that the principal amount in question would not be touched by the parties at that stage. The court also directed the writ petitioners in that writ petition, who are the private respondents in the instant writ, to enjoy the interest accrued on the principal amount in equal shares. The said arrangement has been continuing till date.

4. Learned counsel for the petitioner submits that the petitioner is of advanced age and that she requires finance for her medical treatment.
5. During hearing, it has been brought to the notice of the court that the petitioner has two other sons who maintain her and take care of her medical expenses. The petitioner has transferred a few of her properties in the name of her other two sons. The private respondents have not got any share from the petitioner.
6. Be that as it may, as it appears that the petitioner is being taken care of and maintained by her two sons, accordingly, the court is not inclined to modify the direction passed by the Court on August 3, 2022 in the earlier writ petition. The parties will be at liberty to withdraw the interest amount in equal shares, but the principal amount shall not be touched by either of the parties, at this stage.
7. The writ petition stands disposed of.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

