

26.02.2025
Court No. 35

Item No.10
Rakib

W.P.A. 30319 of 2024

With

CAN 1 of 2025

Rina Bhaduri.

VS

The State of West Bengal & Ors.

Mr. Shankha Maity,
Ms. Aparna Samanta,
Mr. Nishant Kumar,
Mr. Fardeen Hossain.

... for the Petitioner.

Mr. K.K. Pathak,
Mr. Souvik Maji,
Ms. Sudeshna Biswas.

...for the Respondent Nos. 5,6&7

Mr. Suman Ghosh,
Mr. Siddhartha Ghosh.

... for the State.

Petitioner came up with an application under Article 226 of the Constitution of India along with a connected application as according to the petitioner her father was subjected to immense torture at the hands of the private respondents and the petitioner was not allowed to visit the father. It was further alleged that the petitioner's father was not given proper medical attention and till date he is suffering without any medical treatment. Additionally it has been submitted that when the petitioner went to visit her father she was assaulted by the private respondent nos. 5, 6 and 7.

Learned advocate for the private respondents denies and disputes the contentions in the writ petition and further submits that the petitioner is entitled to statutory remedies.

Mr. Ghosh, learned advocate appearing for the State has submitted a report which reflects that in compliance with the order passed by this Court, the petitioner and her family had been to the residence and visited her father without any resistance or hindrance. The same has been registered as General Diary Entry with Barjora Police Station, Bankura.

Petitioner is mainly aggrieved for visitation rights of the father along with other additional issues and according to her she is not only facing resistance but also there is scope of being physically assaulted as and when she goes and visits her father.

Since the petitioner has expressed her insecurity while visiting her father, I grant liberty to the petitioner to approach the jurisdictional Civil Court which will pass necessary orders for day to day orders, as visitation right cannot be a part of a proceeding under Article 226 of the Constitution of India when the statutory remedies are available.

However, once in a month till the Competent Civil Court passes an order and the petitioner informs the local police station for visitation right of the father at the residence of the respondent nos.5, 6 and 7. In case she is resisted the police authorities would render appropriate assistance.

With the aforesaid observations, WPA 30319 of 2024 along with CAN 1 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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

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

(Tirthankar Ghosh, J.)