

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C)(HC) No.06 of 2024

Sri Ranjit Das

..... *Petitioner(s)*

V E R S U S

State of Tripura and others

..... *Respondent(s)*

For Petitioner(s) : Mr. P.K. Ghosh, Advocate.

For Respondent(s) : Mr. Kohinoor N Bhattacharya, G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D PURKAYASTHA

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07/10/2024

The writ petition has been styled as a habeas corpus writ petition. As per the averments made by the petitioner, his daughter aged about 17 years having the date of birth 29th October, 2007 (Annexure-1) eloped and married one Apu Sarkar, son of late Subodh Sarkar, resident of Khowai, Tripura on 01.05.2024. Upon coming to know of that, they with the help of Child Welfare Committee, Khowai Tripura got the custody of their minor daughter on 06.05.2024 and returned to their residence at Kamalpur. However, on 09.05.2024, they were asked to appear before the Child Welfare Committee, Dhalai with the minor girl. On their appearance, the daughter of the petitioner was taken into custody in exercise of the provisions under Juvenile Justice (Care and Protection of Children) Act, 2015 till 16.05.2024 on the ground that they have not been discharging their duties as responsible parents. Request for handing over the child to the Child Welfare Committee fell on deaf ears. Thereafter, on 17.05.2021 vide

(Annexure-2), the daughter of the petitioner was directed to be kept at Matrialoy, Dharmanagar, North Tripura District run by Blind and Handicapped Association which is a fit facility for girls above 16 years of age for a period till further orders. The Officer-in-charge, Matrialoy, Dharmanagar, North Tripura District was directed to take charge of the child and keep her in Matrialoy. Petitioner thereafter represented vide (Annexure-3) dated 19th September, 2024 and has preferred this petition as a habeas corpus petition alleging illegal detention of his daughter. However, since the detention of the petitioner's daughter, who is minor, is under the authority of the Child Welfare Committee in exercise of the powers under Juvenile Justice (Care and Protection of Children) Act, 2015, the custody of the child cannot be said to be illegal detention. The order passed by the Child Welfare Committee for safe custody of the child in a fit home is also not under challenge.

Learned counsel for the petitioner, therefore, seeks permission to withdraw the writ petition in order to invoke the correct remedy in law. He, however, submits that certified copy of the order-sheet of the proceedings of the Child Welfare Committee may not be easily available. In that event, if the petitioner makes a requisition for obtaining the certified copy of the proceedings of the Child Welfare Committee under which his daughter has been kept in a fit facility, the Child Welfare Committee would provide certified copy of the order-sheet of the said proceedings on payment of usual charges.

In view of the request made by learned counsel for the petitioner, the instant petition is permitted to be withdrawn with the aforesaid liberty.

Accordingly, the instant writ petition is disposed of as withdrawn.

(S.D PURKAYASTHA) J

(APARESH KUMAR SINGH) CJ



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