

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (H.C.) No. 20 of 2019

- Smt. Deepika Mishra, Widow of Late Shri Shivam Mishra, D/o Shri Laxman Panda, aged about 27 years, R/o village Jagatgarh, Tahsil Sabdega, District Sundargarh (Odisha)

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Secretary, Home Department, Atal Nagar, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. Superintendent of Police, Raigarh, District Raigarh (C.G.)
3. Officer Incharge, Police Station Tamnar, District Raigarh (C.G.)
4. Bhupdeo Mishra, S/o Gokulanand Mishra, aged about 66 years,
5. Smt. Vinodini Mishra, W/o Bhupdeo Mishra, aged about 63 years,
6. Satyam Mishra, S/o Bhupdeo Mishra, aged about 38 years,
7. Smt. Kavita Mishra, W/o Satyam Mishra, aged about 30 years,

Respondent No. 4 to 7 are residents of village Aamgaon, P.S. & Tahsil Tamnar, District Raigarh (C.G.)

---- Respondents

For Petitioner	: Mrs. Meena Shastri, Advocate.
For Respondents No. 1 to 3	: Mrs. Fouzia Mirza, Addl. Advocate General for the State.
For Respondents No. 4 to 7	: Mr. Mateen Siddiqui, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Sanjay K. Agrawal, J

Judgment on Board

Sanjay K. Agrawal, J.

24.06.2019

1. In compliance of the order of this Court, a child namely Anant Mishra is produced before this Court. We have interacted with him for fairly long time.

After interaction, we are satisfied that this is not a fit case where custody of

Anant Mishra with the respondents No. 4 to 7 can be said to be unauthorized and illegal.

2. However, it is informed to us that the petitioner has already moved an application under Section 6 of the Hindu Minority and Guardianship Act, 1956 before the Family Court, Gharghoda claiming custody/visiting rights of child - Anant Mishra.
3. The petition is closed reserving liberty in favour of the petitioner to pursue the remedy available to him under the law including the application, which he has already filed.
4. It is made clear that this Court has not made any observation with regard to right of the petitioner, with regard to custody of Anant Mishra and only examined aspect of the illegal / unauthorized custody of Anant Mishra with respondents No. 4 to 7.
5. With the aforesaid observations, the writ petition (HC) stands finally disposed of.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Sanjay K. Agrawal)
Judge