

(28)
14.10.2020
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

(Via Video Conference)

**WPA 7050 of 2020
(IA No. CAN 1/2020)**

**Shri Tapan Kumar Mitra
-versus-
The State of West Bengal & ors.**

Mr. Phatick Chandra Das,
... for the petitioner.

Mr. Rana Mukherjee,
Mr. Sabir Ahmed,
Mr. Ali Ahsan Alamgir,
... for the State respondents.

The respondent no. 5 has given birth to a child. The petitioner is claiming that he is the biological father of the said child.

The petitioner complains that he is not aware of the whereabouts of the said child and the police is not conducting proper enquiry on the basis of the complaint of the petitioner.

The petitioner is seeking a direction upon the police authorities for conducting a DNA test of the said child to detect her paternity.

The DNA test can be resorted to under the order of the Court in a pending proceeding. There is no proceeding pending between the petitioner and the respondent no. 5. The police authorities have no role to play in this regard.

WPA 7050 of 2020 is therefore dismissed as misconceived.

No order as to costs.

The connected application being CAN 1 of 2020 is disposed of accordingly.

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

(Biswajit Basu, J.)