

8th February,
2021
(AK)
25

W.P.A 9216 of 2020

Sambari Murmu & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Firdaus Samim
Mr. Altaf Hossain
Ms. Gopa Biswas
...For the Petitioners.

Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha
...For the State.

It appears from the report filed in court today on behalf of the respondent no. 2 that the petitioner no.1 is admittedly the biological mother of the child in question namely Biku Murmu. Let such report be kept on record.

When the matter is taken up, it is submitted by learned counsel for both sides that the petitioner no.1 has been heard in the matter of taking a decision as to the fate of the child by the Child Welfare Committee (CWC).

As such, the mandate of the relevant statute has been complied with by the authorities. It is not incumbent on the authorities to give prior hearing to the other petitioners, who claim to be the adoptive parents of the child, the validity of which adoption itself is in question.

As such, learned counsel for the petitioners submits that the petitioners do not want to proceed any further

with the present challenge; however, praying for handing over the child to the petitioner no. 1 at the earliest.

Accordingly, W.P.A. 9216 of 2020 is disposed of as infructuous.

However, the respondent no.2 is directed to decide the fate of the child as early as possible, in accordance with law, considering the versions of all stakeholders, and to communicate such decision to the petitioner no.1 at the earliest thereafter. In the event the respondent no. 2 decides that the child is no longer in need of care and protection sufficient to dislodge the welfare of the child in being handed back to its biological mother, the respondent no. 2 shall immediately take steps for return of the child to petitioner no. 1.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)