

11.01.2021

Item no. 46

Dd/aloke

(Through Video Conference)

WPA 10279 of 2020

**Sri Kalyan Koley
Vs.
The State of West Bengal & Ors.**

*Mr. Suman Sengupta
Mr. Sumitava Chakraborty
... for the petitioner*

*Mr. N.C. Behani
Ms. Papia Banerjee Behani
... .. For the State*

Affidavit-of-service filed in Court be kept with the record.

The petitioner before us is the father of a seven-year old girl child. His complaint is that he is not provided access to his child who he wishes to see and interact with. The child is with her mother and maternal grant parents.

From the material on record including the report of the jurisdictional police, we see that there are certain matrimonial issues. If the father needs to see the daughter or if the daughter is to be provided an opportunity to interact with the father, it would be appropriate for the petitioner to seek his remedy from the requisite courts which will deal with custodial issues and visitation rights since in the scheme of law those courts are sufficiently empowered to decide all matters touching the best interest of the child. We record the persuasive submission made by learned counsel for the

petitioner that his client will be satisfied if opportunity for virtual interaction over video call or such other mode with the child is provided. We also record the submission of learned counsel for the State that the police have done their best including by providing an opportunity to the petitioner for speaking to the child over telephone. The fact that such opportunity was provided is not disputed by learned counsel for the petitioner.

In the facts and circumstances, we refuse to entertain the matter and dispose of the writ petition leaving the petitioner to move the appropriate court for such visitation facilities, as he may seek for.

[Thottathil B. Radhakrishnan, C.J]

[Arijit Banerjee, J.]