

15.7.2022
Court No. 19
Item no.130
sn

WPA No. 11728 of 2022

Samar Biswas

Vs.

The State of West Bengal & ors.

Mr. Allen Felix for the petitioner

Ms. Chaitali Bhattacharyya

Mr. Kartik Chandra Kaps ..for the State

The petitioner alleges overt act of the police. The police authorities submit that the respondent No.7 had filed a complaint alleging wrongful restraint and illegal detention of the child. Women Police Station, Purba Bardhaman enquired into such complaint. There was no overt act at all.

Irrespective of the proceedings which have been initiated by the petitioner over the matrimonial discord and claim for custody of the child, this Court is of the view that the suckling baby cannot be restrained from being fed by the mother. The petitioner cannot prevent the mother from meeting the child and from feeding him. It is necessary for the health and overall development of the infant. Thus, if the petitioner's wife, that is the respondent no.7, approaches the police authorities in order to meet and feed the child, a lady constable will accompany the respondent no.7 to the petitioner's house at a

convenient time to be fixed by the parties. Such arrangement may continue, provided the parties maintain peace and tranquility.

The other issues which are pending adjudication before the appropriate Courts, will continue irrespective of this order. Visitation rights and custody issues shall be decided by the appropriate court. This order is passed as an interim arrangement and shall not be construed as a declaration of the rights of the parties.

The petitioner is directed to serve a copy of this order upon the respondent no.7.

This writ petition is disposed of.

There will be, however, no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)