

Ct. 05
Item No.23
14.12.2022
(Suvendu)

WPA 20566 of 2022

Smt. Lakshmi Majhi & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Jagabandhu Mondal
Mr. Nirmalendu Bera
Ms. Kalpana Khan Mondal
.....for the petitioners

Ms. Sonal Sinha
.....for the State

The petitioners seek a direction on the State Board and the appropriate authority of the State under The Surrogacy (Regulation) Act, 2021 to permit the first petitioner for undergoing IVF procedure for having a child. The petitioner no.1 exceeded the age limit as provided under Section 21(g) of The Assisted Reproductive Technology (Regulation) Act, 2021. Under the said provision, clinics can only apply assistant reproductive technology to a woman above 21-year and below 50-year of age. The petitioner no. 1 was 53-year of age at the time of verifying the writ petition. The relief prayed for shows that the petitioners have not challenged the vires of the 2021 Act.

Since learned counsel submits that the petitioners intend to make such challenge, the petitioners are given leave to file a fresh writ petition upon withdrawing the present one.

WPA 20566 of 2022 is accordingly dismissed as withdrawn with leave to file afresh on the self-same cause of action but with appropriate prayers as indicated above.

(Moushumi Bhattacharya, J.)