

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.76 of 2021

Harekrishna @ Harekrushna Mallick ***Petitioner***
Mr. S. Samal, Advocate

-versus-

State of Odisha and others ***Opposite Parties***
Mr. A.K. Nanda, A.G.A.
Mr. S. Mohapatra, Advocate for O.P. No.5

CORAM:
JUSTICE S. TALAPATRA
JUSTICE B. P. ROUTRAY

ORDER
07.07.2022

Order No.

11.

1. The matter is taken up through Hybrid mode.
2. In terms of the order dated 20.09.2021, the Petitioner and the Opposite Party No.5 could not come to a workable arrangement. There is no dispute, both the children, namely, Hrushikesh Mallick and Tejashree Mallick are in the custody of the Opposite Party No.5. From the report of the CWC, as furnished, it appears that the children do not have complaint against the Opposite Party No.5. Even the CWC has not reported anything against the Opposite Party No.5.
3. On the contrary, it appears that Hrushikesh Mallick, the minor son of the Petitioner had demonstrated serious reservation to stay with the Petitioner. However, that was not the case, so far as Tejashree Mallick, daughter of the Petitioner, is concerned.

4. In such circumstances, this Court is of the considered view that temporary custody shall continue with the Opposite Party No.5. If the Petitioner is so anxious about welfare of his children, then he should approach the civil court of the competent jurisdiction. But we do not find that this writ petition for habeas corpus in the circumstances is required to be proceeded further. Accordingly, the same stands closed and disposed of.

5. Mr. S. Samal, learned counsel appears for the Petitioner, Mr. A.K. Nanda, learned Additional Government Advocate appears for the State and Mr. S. Mohapatra, learned counsel appears for the Opposite Party No.5.

