

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.94 of 2022

Dr. Satyabrata Pattnaik

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Petitioner
Mr. B.P. Mohanty, Adv.

-Versus-

State of Odisha & Others

.....

Opp. Parties
Mr. J.P. Pattnaik, GA,
(Opp. Party Nos.1,2 and 3)
Mr. S. Sahoo, Adv
(Opp. Party No.4)

CORAM:
JUSTICE S. TALAPATRA
JUSTICE M.S. SAHOO

ORDER
04.08.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. B.P. Mohanty, learned counsel appearing for the petitioner. Mr. J.P. Pattnaik, learned Government Advocate appearing for the Opp. Parties No.1,2 and 3 and Mr. S. Sahoo, learned counsel appearing for the Opp. Party No.4.
3. By means of this petition, the petitioner has urged this Court that a writ of Habeas Corpus be issued, calling upon the Opp. Party No.4 to produce their minor son namely, Shamit Patnaik, before the Court.

4. According to the petitioner, the Opp. Party No.4 had taken away the said child by apply force. The perspective facts have been provided in more details.

5. We have made it clear that we will not disturb the custody of the said child. The custody will remain with the Opp. Party No.4. However, this decision is not of perennial nature. The Civil Court of the competent jurisdiction may decide, in the event of necessity as regards the custody of the said child.

6. We are conscious of emotional distress of the petitioner as the father. Hence, we direct the Opp. Party No.4 to allow the visitation of the petitioner fortnightly, preferably on Sundays in the afternoon. During the visitation, no such situation should be created that either would deter the right of visitation as is conferred by this Court upon the petitioner, nor generate stress on the child.

7. If anything of that nature happens, this Court will squarely make the Opp. Party No.4 responsible and in that event, the petitioner will at liberty to approach the appropriate Civil Court seeking custody of the said child.

8. We hope that since the petitioner and the Opp. Party No.4 are reputed citizens of the society, they will be able to avoid any attrition or situation of annoyance.

9. With such observation, this writ petition stands disposed of.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

Rati Ranjan





