

20
16.10.2023
ssi

Ct 14

WPA 15701 of 2023

Nilima Pattanayak Das

-vs-

State of West Bengal & ors..

Mr. Sobhan Majumder

...for the petitioner

Mr. Ansar Mondal

Mr. Asish Dutta

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's child is about nine (9) years old. Her erstwhile husband and father of the child passed away a few years back. She remarried. There was a fight for custody of the child between her and her in laws. In a proceeding before the learned Magistrate, the child made a statement that he wanted to stay with the grand parents. However, he was sent to a Home. The matter had gone before the CWC. Subsequently, custody was given to the mother. But, the local police officer had been issuing notices to the petitioner to come and met him along with the minor child. After filing of the writ petition, the police stopped issuing such notices. But, the CWC continues to issue such notices, which is affecting the regular activities of the child.

Learned counsel for the State relies on the report and

submits as follows. Necessary notice now is being issued at the instance of the CWC. The CWC is very much entitled to inquire about the welfare of the child.

In the present case, it does not appear that the police had any role to issue, on their own, a notice to the petitioner to produce the child before them. Therefore, the police authorities shall desist from doing so.

However, if the CWC issues such a notice, the petitioner would be obliged to comply with the same.

In the event the petitioner is aggrieved with such a notice, she shall have to deal with the matter in accordance with law.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)