

17-05-2023
ct no. 13
Sl. 344
pk

WPA 23190 of 2022

Tumpa Mondal

-Versus-

The State of West Bengal & Ors.

Mr. Subhashis Saha

... for the petitioner

Mr. Raja Saha,
Mr. Prantik Gorai,
Ms. Sukla Chanda Das

... for the State.

1. The private respondent is not represented.
2. The 12 year-old child of the petitioner is in her custody since March, 2023. The marriage with the private respondent has gone sour.
3. The petitioner inter alia seeks the identity documents of the minor child from the private respondent husband. She submits that the husband is withholding the same.
4. The interest and education of the child is paramount before this Court.
5. The writ petitioner shall not take the child out of India and shall inform the private respondent of the whereabouts of the child.
6. Without creating any special equity in favour of the petitioner for actual legal custody of her 12-year old child, New Barrackpore Police Station shall obtain, if available, all documents

pertaining to the minor child including educational certificates, Aadhaar Card, birth certificate and other documents from the husband/private respondent and hand over to the petitioner.

7. It is once again made clear that handing over of the documents by the private respondent and receipt of the same by the petitioner shall not create any equity in favour of the petitioner insofar as the custodial rights of the minor child is concerned.

8. The private respondent shall comply with aforesaid directions and cooperate with the Police.

9. The writ petition is thus disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)