

Item-10.	19-01-2024	WPA (H) 3 of 2024
sg	Ct. 8	Deepak Kumar Agarwal Versus The State of West Bengal & Ors.

Mr. Suddhastva Banerjee, Adv.
Mr. Anirban Dutta, Adv.
Mr. Shivam Bhimsaria, Adv.
...for the petitioner
Mr. Pawan Kr. Gupta, Adv.
Mr. Sougata Mitra, Adv.
Ms. Soma Chakraborty, Adv.
Ms. Sofia Nesar, Adv.
Mr. Santanu Sett, Adv.
Mr. Subhasri Chatterjee, Adv.
Mr. Subhadeep Maitra, Adv.
...for the private respondent
Mr. Debabrata Chatterjee, Ld. APP
Ms. Amrita Panja Moulick, Adv.
...for the State

1. Report filed by the Superintendent of Police, Purulia, District Purulia is taken on record.
2. The said report discloses the whereabouts of the minor. The minor is presently residing at Muralidhar Rathi Lane, Muchipara under Purulia Town Police Station, District Purulia.
3. The minor is presently residing with paternal grand parents. The report suggests that the minor is in continuous touch with the maternal grand parents and carried out the communication through the video conference call.
4. Learned counsel appearing on behalf of the writ petitioner has questioned the said report and submits that an application for police inaction is pending before this Court.
5. It is further submitted that the husband of the deceased wife is presently in custody and the anticipatory bail application

of the paternal grandparents are presently pending after it was initially rejected by the learned Sessions Court.

6. Considering the fact that the missing child is now traceable we direct the Superintendent of Police to depute a responsible police officer to accompany the child to the Office of the Secretary, DLSA, Purulia and in the presence of the Secretary, DLSA Purulia or any person to be duly authorized by the Secretary DLSA the petitioner shall interact with the child exclusively once in a week. An appropriate intimation to that effect shall be given to the Superintendent of Police and Secretary DLSA, Purulia on behalf of the maternal grand-parents and in addition thereto video conferencing facilities as suggested in the report may continue.
7. Mr. Banerjee has submitted that under the law the maternal grand parents are entitled to the custody of the child. However, the said issue, we feel can be more conveniently decided by the Civil Court under the Guardians and Wards Act, 1890 and the Hindu Minor and Guardianship Act. Any observation in this order with regard to access of the maternal grand-parents to the child shall not stand in the way in applying for interim or permanent guardianship of the child before the Civil Court.
8. We make it clear that any observation made in this order shall not influence the learned Trial Court in the event any proceeding is filed to decide the interim or permanent custody of the child in accordance with law.
9. The first two pages of the report to be shared with the learned counsel for the petitioner.

10. WPA(H) 3 of 2024 is accordingly, disposed of.
11. A copy of this order shall be forwarded to the by the Secretary, Cal HCLSC to the Secretary DLSA, Purulia for information and doing the needful.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)