

16.05.2024
SI No.29
Court No.8
(gc)

WPA (H) 35 of 2024

Mrs. Naseema Khatoon
Vs.
The State of West Bengal & Ors.

Mr. Somir Kumar Daskar
...for the Petitioner.

Mr. Rana Mukherjee, Ld. A.G.P.,
Mr. Simanta Kabir
...for the State.

1. Shagufta Parveen is present in Court. Her mother is the petitioner.
2. The learned Counsel for the petitioner submits that this petition was filed, as in spite of best efforts, the petitioner could not establish any contact with her daughter and she was untraceable.
3. We have interacted with the mother and daughter separately. The daughter has said that she has left her matrimonial home with her children at Jodhpur as she was physically tortured and abused. She is not willing to return to her husband. However, the petitioner has a different story to tell. She made a fervent request that she may be allowed to interact with grand-children.

4. We feel that the grand-parents with the maternal-uncle should be allowed an access to the grand-children and for that we direct a Lady Officer of Topsia Police Station to accompany Shagufta Parveen and her children to the High Court Mediation Centre on Wednesday, i.e. 22nd May, 2024 at 11.00 a.m.
5. The grand-parents with the maternal-uncle should be allowed free access to grand-children at least for two hours and necessary arrangements in this regard shall be made by the Member Secretary, Mediation and Conciliation Committee, High Court, Calcutta.
6. This order shall be communicated to the Member Secretary, Mediation and Conciliation Committee, High Court, Calcutta for information and doing the needful.
7. The parties are directed to maintain calm and no untoward incident should take place on that date.
8. Since we cannot decide the custody matter in this proceeding and the only grievance is that in spite of best efforts, the petitioner could not establish any contact with her

daughter and in view of the fact that the daughter is physically present, we dispose of this habeas corpus petition with the aforesaid direction and direct the parties to comply with our direction. The petitioner shall be at liberty to apply for custody or visitation rights in accordance with law.

9. Accordingly, the habeas corpus petition being WPA (H) 35 of 2024 stands disposed of.

10. However, there shall be no order as to costs.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Uday Kumar, J.)