

DL-2

WPA (H) 40 of 2024

12.08.2024
Court No.26

(AD)

Binay Krishna Halder
Vs.
The State of West Bengal & Ors.

Mrs. Karabi Roy
Mr. Rahul Chakraborty
... for the petitioner

Mr. Rana Mukherjee
Ms. Munmun Ganguly
... for the State respondents

Mr. Sanjib Seth
Dr. Ashis Kumar Mukhopadhyay
... for the respondent nos.7 to 10.

1. Essentially, the writ of habeas corpus involves custody of child and matrimonial disputes.
2. The length and the quality of the custody and the visitation rights, if there be any, between the private parties in respect of the minor can be considered and decided by the appropriate forum.
3. In these proceedings, without prejudice to the point of maintainability, mediation to resolve the custody and matrimonial disputes was undertaken. Apparently, the mediation is yet to succeed.
4. Child is with the father. In such circumstances, we find that, the child cannot be said to be in illegal detention or the private respondents to be in wrongful custody of the child. Proceedings under the Guardian and Wards Act is pending.
5. As noted above, the quality and the quantity of

the custody of the child and the visitation rights may be decided by the appropriate forum.

6. All other points raised by the private parties are kept open.
7. **WPA (H) 40 of 2024** is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)