

16.04.2025

Item No.41

Ct. No.35

dc.

W.P.A. 6946 of 2025

**Shilpa Bagaria
versus
The State of West Bengal & Ors.**

Mr. Dipanjan Dutt,
Mr. S. Dutt Majumdar,
Mr. Soumodip Ghosh ... For the Petitioner.

Mr. Vimal Kumar Shahi, AGP,
Ms. Pratiti Das ... For the State.

Mr. Moyukh Mukherjee,
Mr. Priyam Dey,
Ms. Sagnika Banerjee,
Ms. Sarmistha Basak,
Mr. S. Bhattacharya ... For the Respondent No.6.

Report submitted by the learned advocate
appearing for the State be kept with the record.

The petitioner is aggrieved by the fact that there was a direction for the twin sons to visit the father at the weekend by the learned Additional District Judge, 15th Court, Alipore. In respect of the said order, the two minor sons were sent at the weekend. However, according to the accusations made by the petitioner, both the sons were tried to be illegally detained, while one of the sons escaped from the house of the respondent, but the other son viz. Prayanshu Bagaria has been illegally detained by the respondent no.6.

Since the subject-matter of visitation and custody rights were decided by the learned Additional District Judge, 15th Court, Alipore in connection with Act VIII Case No. 50 of 2018, I am of the opinion that as the father happens to be a

legal guardian, the police authorities directly cannot interfere in such dispute. As the main accusation is violation of the order of the civil court, I direct that in case appropriate application is preferred before the learned Additional District Judge, 15th Court, Alipore in connection with Act VIII Case No. 50 of 2018 and the learned civil court passes appropriate directions upon the police authorities, police authorities would respect, obey and implement such order.

State has submitted a report which reflects that a General Diary Entry No. 60 dated 10.03.2025 has been registered. Having considered the nature of the dispute, I am of the opinion that police authorities without an order from a court of law, will not be able to give effect to the prayer made by the present petitioner.

Needless to state that since no affidavits have been called for, the accusations and/or the allegations made in this writ petition are deemed not to have been admitted.

With the aforesaid observations, the writ petition being WPA 6946 of 2025 is disposed of.

There will be no order as to costs.

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

Urgent photostat certified copy of this order,
if applied for, be supplied to the parties upon
compliance with all requisite formalities.

(Tirthankar Ghosh, J.)