

18-06-2025
Item No.84 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.7220 of 2025

Aparajita Halder

-vs-

The State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. Nawal Kishore Chatterjee ...for the petitioner

Mr. Jahar Datta
Mr. Bipin Ghosh ...for the State

Mr. Bikram Banerjee
Mr. Sagar Dey ...for respondent no.4

Mr. Souvik Karmakar ...for respondent no.5

1. The petitioner prays for a direction upon the registering authority to change the surname of her daughter in her birth certificate.
2. On behalf of the petitioner, learned counsel submits that by way of mutual consent the petitioner got herself divorced from the fourth respondent and that she has since married the fifth respondent who intends to adopt the daughter from her erstwhile husband.
3. It is further submitted that because of the difference in the surname of the minor daughter with her present husband who is acting as a father to the minor girl, the minor child is facing several issues in her school and in her daily life.
4. To get rid of the social problems which the petitioner and her minor child are facing, the petitioner has approached this court by way of

this Article 226 petition with the above-mentioned prayer.

5. The aforesaid submission and the prayer of the petitioner is vehemently opposed by the learned counsel representing the fourth respondent being the erstwhile husband of the petitioner. It has been submitted that a proceeding is pending before the learned trial court where the fourth respondent has raised objection with regard to adoption of the minor child.
6. Under such scenario, I am of the opinion that, when a proceeding for adoption is pending before the learned trial Court and the biological father has objected to the adoption of the minor child by the present husband of the petitioner, at this stage, passing any direction upon the registering authority to change the surname of the minor child will cause further legal problems. Hence, the Court is not inclined to pass any order in favour of the petitioner in the instant case.
7. It will be open for the parties to approach the competent forum for relief, if so advised.
8. The writ petition is disposed of.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

