

14.05.2025

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WPA (H) 32 of 2025

Biswajit Mondal

- Versus -

The State of West Bengal & Others

Mr. B. Chatterjee,
Mr. Tanmoy Chakraborty,
Ms. Paramita Sahu,
Ms. Susmita Saha,
Mr. Akash Das
...for the Petitioner.

Mr. Rana Mukherjee,
Mr. Simanta Kabir
... for the State/Respondents.

Mr. Sudip Sarkar,
Mr. Anindya Sundar Das,
Mr. syed Ali Afzal,
Ms. Paramita Mondal,
Ms. Suva Gayen,
Mr. D. Suhail,
Mr. Suman Halder
... for the Private Respondent nos.5-7
& 11, 12, and 14.

Affidavit-of-service, as filed, be kept on
record.

The present writ petition has been preferred
inter alia praying for issuance of necessary direction
upon the respondent authorities to recover the
petitioner's child.

Mr. Chakraborty, learned advocate appearing
for the petitioner submits that the petitioner was
married to the respondent no.5 and they were
blessed with a female child, who is presently aged
about 12 years. On 14th November, 2022 there was

a dispute concerning domestic issues and subsequent thereto, the respondent no.5 left her matrimonial house. Such fact was reported by the petitioner by a written complaint dated 17th November, 2022. But no steps were taken by the police authorities. Subsequent thereto, on 7th December, 2022 the respondent no.5 took away her child from the school, namely, Vivekananda Siksha Niketan. Such fact was also reported to the police authorities but in vain. In the midst thereof, the respondent no.5 also filed a complaint under the provisions of Protection of Women from Domestic Violence Act, 2005. The same was registered before the learned Additional Chief Judicial Magistrate, Alipore.

Mr. Chakraborty contends that since 2024 the petitioner made every endeavour to meet with his daughter but her whereabouts were unknown. The petitioner thereafter came to learn that her daughter had been admitted at Nafarganj Birinchibari Abaitanik Primary School, Birinchibari, Basanti Circle, South 24-Parganas. To ascertain as to whether his daughter studying in the said school, the petitioner submitted an application under the Right to Information Act, 2005 to the Head Teacher of the said school, who in response intimated that his daughter had been taken away

from the school on 31st December, 2023. Thus, the whereabouts of her minor daughter is still not known to the petitioner. Although the police authorities have been informed about such fact, no steps have been taken. As such, the petitioner has been constrained to approach this Court.

Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State/respondents submits that on 6th March, 2025 a petition was received through post which was registered as Jharkhali Coastal Police Station *vide* Part-IV, Petition no.9 of 2025 dated 6th March, 2025 and a Sub-Inspector of Police was engaged to enquire. In course of such enquiry it was ascertained that the daughter of the petitioner is residing with her mother and she is studying in class – IV in Vivekananda Siksha Niketan, Joygopalpur, Basanti, South 24-Parganas. Let the report, as submitted, be kept on record. A copy of the same has been handed over to Mr. Chakraborty in Court today.

Mr. Sarkar, learned advocate appearing for the private respondent nos. 5, 6, 7, 11, 12 and 14 including the respondent no.5, being the wife of the petitioner submits that the child is residing with her and is presently studying in Vivekananda Siksha Niketan (High), Basanti, South 24-Parganas.

Mr. Das, learned advocate appearing for the private respondent no.9 submits that he has been falsely implicated in the instant proceeding.

We have heard the learned advocates appearing for the respective parties. We do not find any material to infer that the petitioner's daughter is under illegal detention. She is residing with her mother. In view thereof, no interference is called for in the present writ petition and the same is accordingly, dismissed.

However, it is made clear that the dismissal of this writ petition shall not prevent the petitioner from taking appropriate steps as regards the custody and visitation rights before the appropriate forum, in accordance with law.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)