

09.12.2025  
Item No.61  
Court No.37  
CHC

## **In The High Court at Calcutta**

Constitutional Writ Jurisdiction

Appellate Side

**WPA (H) 64 of 2025**

**Subhamay Roy**

**Vs.**

**State of West Bengal & Ors.**

Mr. Sabir Ahmed, Advocate  
Mr. Shraman Sarkar, Advocate  
Mr. Quazi Ezaz Ahmed, Advocate  
Mr. Dhiman Banerjee, Advocate  
Mr. Tasnim Ahmed, Advocate  
...for the petitioner

Mr. Swapan Banerjee, Ld. A.G.P.  
Mr. Suddhadev Adak, Advocate  
Ms. Sumita Shaw, Advocate  
Mr. Bikas Goswami, Advocate  
Mr. Soumen Chatterjee, Advocate  
...for the State

Mr. Anirban Roy, Advocate  
...for the respondent no.9

1. Father of a minor girl is before Court seeking custody.
2. Mother of the child expired.
3. Child is presently with her maternal uncle.
4. We tried to mediate between the father and the maternal uncle. Apparently, the parties are not agreeable.
5. Writ petition of Habeas Corpus essentially requires the State authorities to apprise the Court as to the whereabouts of the person concerned.
6. In the facts and circumstances of the present case, the writ petitioner is aware where his daughter is presently residing.

7. There are statutory alternative remedies available to the writ petitioner. Essentially, issue is with regard to the custody of the child concerned.
8. Writ petitioner may avail of his statutory remedies before the appropriate forum.
9. We clarify that we did not pronounce on the merits of the claim of the writ petitioner in any manner whatsoever. The fact that, the child is with her maternal uncle or the interim order passed by the coordinate Bench in this regard or our disposal of the writ petition, will in no manner impede a decision as to the custody of the child, by the appropriate forum and as also, interim measures to be put in place as required.
10. WPA (H) 64 of 2025 is disposed of accordingly.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**