

DL-18

23.12.2025

Court No.37

[Bench ID-266046]

(AD)

WPA (H) 99 of 2025

Dr. Nasirul Haque

Vs.

The State of West Bengal & Ors.

Mr. Apalak Basu, Advocate

Ms. Sanghamitra Mridha, Advocate

... for the private respondent

Mr. Biplab Guha, Advocate

Mr. Raj Sekhar Basu, Advocate

... for the State

1. None appears for the petitioner.
2. State and the private respondent are represented.
3. Report submitted on behalf of the State be taken on record.
4. Petitioner before us seeks custody of a child born out of the wedlock of the petitioner and the private respondent.
5. It appears from the report submitted by the State that, the petitioner filed a petition under Sections 7 and 25 of the Guardians and Wards Act, 1890 being Misc. Case No.151 of 2024 which is pending before the Additional District & Sessions Judge, 5th Court, Howrah for custody of the child.
6. Child is in the custody of the mother.
7. Such custody cannot be pronounced to be illegal, at least in a writ of habeas corpus.
8. Special circumstances do not exist for us to exercise jurisdiction of a writ of habeas corpus.
9. Petitioner nonetheless opted for statutory

alternative remedy as noted above.

10. In such circumstances, no further order need be passed in this writ petition.
11. **WPA (H) 99 of 2025** is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)