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01.04.2026
S.D.
Ct. No. 37
Bench Id
266046

WPA (H)/26/2026

**Basir Ahammad Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Abhishek Halder
Ms. Madhurima Basu
Mr. Sayan Banerjee
Ms. Suparna Dutta
Mr. Debobrata Halder
....For the Petitioner

Mr. Swapan Kumar Dutta, Ld. G.P.,
Mr. Biplab Guha
...For the State

Mr. Arka Maiti
Mr. Arka Ranjan Bhattacharya
Ms. G. Parvin
...For the private respondent

Father of a child before the Court is seeking custody.

Custody of the child was initially with the divorced mother. According to the father, the mother was obliged to make over the custody of the child on the mother remarrying.

Father contends that there is remarriage and, therefore, the custody of the child should revert back to the father.

State and the private respondents are represented.

Report submitted on behalf of the State be taken on record.

It appears from such report that the minor is presently in the care and custody of the maternal grandparents.

Writ petitioner possesses statutory alternative remedy. Writ petitioner may avail of such remedies before the appropriate forum, in accordance with law.

We are, therefore, not minded to interfere under Article 226 of the Constitution of India.

We clarify that this order will not prevent the writ petitioner from availing of his remedies before the appropriate forum, in accordance with law.

WPA (H) 26 of 2026 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)