

03
28.04.2026
S.D.
Ct. No. 37
Bench Id
266046

WPA (H)/37/2026

**Rehana Khatoon
Vs.
The State of West Bengal & Ors.**

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
....For the Petitioner

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

Affidavit of service filed in Court be kept on record.

Writ petitioner seeks custody of her child in this habeas corpus writ petition.

State is represented.

Representatives of the respondent nos. 2 and 4 are present in Court.

It is submitted on behalf of the State that the child of the petitioner was found roaming listlessly when custody was taken on September 9, 2024. The petitioner claims that due to matrimonial discord, petitioner and her husband are living

separately since 2020. The child was with the husband.

Petitioner is aware where the child is presently located. The petitioner made allegations as against the persons in control and custody of the child presently. Since the petitioner is aware where the child presently is and in whose custody, the petitioner is at liberty to take appropriate steps before the appropriate forum for obtaining custody of the child.

Essentially, the petitioner seeks custody of her child through a writ of habeas corpus. Custody of the child with the Child Welfare Committee cannot be said to be illegal. There are disputed questions of facts involved. No special circumstance exists as to why the petitioner should not avail of her statutory alternative remedy.

WPA (H)/37/2026 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)