

BENCH ID
266046
AD 10.
20.01.2026
S.D.
Ct. No. 37

WPA (H)/104/2025

Sanjit Kumar Maji
vs.
The State of West Bengal & Ors.

Mr. Rabindra Nath Bag
Ms. Nazni Khatun
Mr. Piyas Chowdhury
...For the petitioner

Mr. Biplab Guha
Mr. Debabrata Mondal
...for the State

Mr. Uttiya Ray
Mr. Ashutosh Pal
...for the private respondent nos.
5 & 6

1. Writ petition is at the behest of a father of a minor.
2. There is a proceeding under the Guardians and Wards Act which is pending. Notice of such proceeding is yet to be served upon the respondents in such proceeding.
Next date fixed is in the month of April, 2026.
3. In this Habeas Corpus writ petition, we passed an order dated December 23, 2025 permitting the petitioner to visit the child.
4. Child is presently in the custody of the private respondents.
5. Affidavit of service filed in Court be taken on record.

6. There are allegations and counter-allegations with regard to the quality of the visit as permitted by the Court. According to the petitioner, the petitioner was not permitted to visit the child for the period of time directed by the Court. According to the private respondents, it was the petitioner who is at fault.
7. Keeping in mind the welfare of the child to be paramount, we direct the private respondents to produce the child before the Jurisdictional Child Welfare Committee. State will identify the Jurisdictional Child Welfare Committee before whom the child is required to be produced. The respondent no. 4 will do so on behalf of the State.
8. The minor to be produced within fortnight from date before the Jurisdictional Child Welfare Committee.
9. Court is informed that the minor is presently in a Boarding School. The Boarding School authorities will ensure that the child is produced before the Jurisdictional Child Welfare Committee.
10. It is submitted on behalf of the private respondents that a fortnight's time is required for the private respondents to participate in the proceeding before the Jurisdictional

Child Welfare Committee since they are presently out of station.

11. Jurisdictional Child Welfare Committee will commence proceeding to assess the best person with whom the minor can be placed pending adjudication of proceedings under the Guardians and Wards Act. The Jurisdictional Child Welfare Committee will pass a reasoned order after affording the private parties before us reasonable opportunity of hearing. The Jurisdictional Child Welfare Committee will communicate the reasoned order to the parties it heard.
12. It is clarified that we did not enter the merits of the rival claim. It is also clarified that any decision of the Jurisdictional Child Welfare Committee will be subject to the decision that may be arrived at by the Court exercising jurisdiction under the Guardians and Wards Act.
13. **WPA (H)/104/2025 is disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)