

DL-10

05.05.2026
Court No.37
[Bench ID-**266046**]
(AD)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA (H) 105 of 2025
with
IA No.: CAN 1 of 2026

Subhabrata Dutta
Vs.
Union of India & Ors.

Mr. Biswaroop Bhattacharya, Advocate
Mr. Dwaipayan Basu Mallick, Advocate
Ms. Pritha Bhaumik, Advocate
Mr. Apalak Basu, Advocate
Ms. Sanghamitra Mridha, Advocate
Ms. Anusmita Bhattacharya, Advocate
... for the petitioner

Ms. Manjari Dutta
... respondent no.3 (in-person)

1. IA No.: CAN 1 of 2026 is an application essentially seeking implementation of our judgment and order dated April 1, 2026 passed in WPA (H) 105 of 2025.
2. A Special Leave Petition was carried directed against the judgment and order dated April 1, 2026. In such Special Leave Petition, an order dated April 20, 2026 was passed where, the Hon'ble Supreme Court observed that Their Lordships were not inclined to interfere with the judgment and order dated April 1, 2026 on merits. Their Lordships, however, extended one more opportunity to the parties to resolve the disputes amicably through mediation.

3. Learned Advocate appearing for the petitioner submits that, the mediation pursuant to the order dated April 20, 2026 failed.
4. Respondent no.3 is present in Court and appears in person. She submits that, the mediation failed.
5. The judgment and order dated April 1, 2026 required the child to travel to Canada with the petitioner.
6. Child is presently in custody with the respondent no.3.
7. Learned Advocate appearing for the petitioner submits that, the petitioner who is the father of the child will be in India for the purpose of taking the child back to Canada.
8. Learned Advocate appearing for the petitioner submits that, certain documents belonging to the child are presently in custody of the respondent no.3. Such documents are required prior to the departure in order to regularize the travel documents of the child.
9. Directions regarding giving effect to the judgment and order dated April 1, 2026 are required to be passed. Directions are necessary in the best interest of the child. Measures should be put in place to minimize the strain of travel for the child as much as possible.
10. Respondent no.3 will make over all documents in the original relating to the child in her custody to

the learned Advocate-on-record for the petitioner within two days from date.

11. It is agreed by the parties before us that, the learned Advocate-on-record along with another Advocate will collect the original documents of the child from the residence of the respondent no.3 given in the cause-title on May 6, 2026 between 7 to 8 P.M.
12. It is the contention of the writ petitioner that, the documents of the child are required at New Delhi for the purpose of processing the same for onward travel for the child to Canada.
13. The learned Advocate-on-record for the petitioner is at liberty to make over the documents belonging to the child to the writ petitioner once he arrives at New Delhi.
14. Court is informed that the date of travel is May 18, 2026.
15. Learned Advocate-on-record for the petitioner will take custody of the child as a Special Officer from the respondent no.3 on May 18, 2026 and make over such custody to the petitioner in the manner as directed hereinafter.
16. Learned Advocate-on-record for the writ petitioner is requested to accompany the child till the immigration counter of Netaji Subhash Chandra Bose International Airport at Kolkata.
17. Airports Authority of India along with other

authorities in charge of such airport are requested to permit the learned Advocate-on-record for the petitioner to accompany the child upto that counter.

18. Once the immigration formalities are completed, the learned Advocate-on-record for the writ petitioner will make over the custody of the child to the writ petitioner.
19. Learned Special Officer so appointed will submit a report to Court on the next date.
20. Learned Advocate-on-record for the petitioner will communicate this order to the appropriate authority for compliance.
21. List the application on **May 20, 2026**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)