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06.10.2026
Ct. No.6
b.das

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction

WPA No. 2463 of 2026

Ranju Majumdar & Anr.
Vs.
The State of W.B. & Ors.

Mr. Shubhankar Dutta
Ms. Swagata Mitra ...for the petitioners.

Mr. Kunaljit Bhattacharjee ...for the State.

Affidavit of service filed by the petitioners is taken on record.

Learned counsel for the petitioners submits that the petitioners are Bangladeshi nationals and entered the territory of India prior to 31st December, 2024 from Bangladesh. They were arrested in connection with Mathabhanga PS case no.122 of 2026 dated 21st February, 2026 under Sections 21/24 of the Immigration and Foreigners Act, 2025.

The minor son of the petitioners, Subho Majumdar was produced before the Juvenile Justice Board. By an order passed on 7th May, 2026, the Juvenile Justice Board, Cooch Behar held that the child was not a child in conflict with law. He was discharged from the case and referred to the Child Welfare Committee for proper care and deportation

to his own nation unless such restoration and repatriation was not his best interest at such young age and specially in absence of his parents.

The Superintendent, Korak Home, Jalpaiguri was directed to produce the child before the Child Welfare Committee, Cooch Behar for appropriate orders in terms of the order passed by the Board.

The petitioners were released on bail on 13th August, 2026 and approached the Chairperson, Child Welfare Committee, Cooch Behar for release of their son in their favour. No step has been taken by the authority in response to their letter. The petitioners seek a direction upon the authority to release their minor son in their favour, the petitioners being the biological parents and lawful guardians of the child.

Learned counsel for the State submits that the report from the Superintendent, Korak Home, Jalpaiguri is awaited.

It is not in dispute that the petitioners are the parents of the minor, Subho Majumdar. The Child Welfare Committee, Cooch Behar has retained the child under their custody in terms of the order passed by the Juvenile Justice Board on 7th May, 2026.

On prayer of the petitioner, liberty is granted to approach the Juvenile Justice Board for

modification of the said order in order to enable them to take custody of their child from that of the Child Welfare Committee, pending application submitted by them for Indian citizenship.

In the meantime, the child shall remain with the Child Welfare Committee and no steps for his deportation shall be taken by the Committee.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)