
(2021) 06 CAL CK 0074
In the Calcutta High Court
Case No : Writ Petition No. 225/2021

Nilanjana Ghosal

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 22-06-2021

Acts Referred:

Citation : (2021) 06 CAL CK 0074

Hon'ble Judges : Shivakant Prasad, J

Bench : Single Bench

Advocate : Rituparna Ghosh, Amitesh Banerjee

Judgement

The petitioner is a single mother, looking after and upbringing her minor son now aged fourteen years and a student of Class VII in Aditya Academy

Secondary, Kadambagachi, Barasat, North 24 Parganas, West Bengal, Kolkata â?" 700 125.

The petitioner has sought for issuance of writ in the nature of mandamus commanding the respondent authorities, their men, agents, assigns, officials,

associates and each of them, particularly the respondent no. 2 to restore or return the custody of the minor son â?"Sagnicâ?" to the petitioner at 46,

Bagbazar Street, Kolkata â?" 700 003, and further petitioner has sought for appropriate action against the errant officers of the respondent no. 2 on

the basis of the written complaint of the petitioner dated 11th June, 2021.

In sum and substance, the petitioner alleged illegal act, unauthorised detention of her minor son by the respondent no. 2 from lawful custody of natural

guardian being the petitioner mother of the minor son. It is pointed out that after dissolution of marriage by mutual consent, the petitioner was given the

right to guardianship and permanent custody of the child named Sagnic

Bhattacharjee. The allegation is to the effect that on 4th June 2021, the officers of the respondent no. 2 visited the house of the petitioner with the assistance of respondent no. 6 and snatched the custody of the minor son from her lawful custody and hide him in some unknown place. The representation was made to the respondent no. 2 on 9th June, 2021 but he turned a deaf ear and no action as such has been taken by respondent nos. 4 to 6 as per the complaint lodged with them on 11th June, 2021 by the writ petitioner.

On behalf of the respondent Mr. Amitesh Banerjee, learned Counsel submits that father of the minor son had made complaint to the State Legal

Services Authority against the petitioner alleging torture and cruelty meted out to the minor son and pursuant thereto, the respondent no. 2 and the official have taken step for safe custody of the child in a welfare home.

The rival contentions are required to be judged upon hearing the respondents to explain their actions in the matter as this Court finds from the decree

of mutual divorce that it is the petitioner mother who was entitled to guardianship and permanent custody of the child named â??Sagnicâ?. Learned

Counsel for the petitioner submits that it is the ex-husband, who has made such complaint for the reasons best known to him and this action was not

taken by the respondent no. 2 in the welfare of the Child.

Now, it is imperative for this Court to issue notice upon the respondents calling upon them to explain the situation under which they had undertaken the

steps for custody of the child in a welfare home when the petitioner mother herself is a natural guardian and capable of maintaining the child. The

State Legal Services Authority to report into the matter.

Accordingly, the petitioner is directed to serve a copy of this application together with annexures upon the respondents as well as the Honâ??ble

Executive Chairman of State Legal Services Authority.

The respondents are at liberty to file their affidavit-in-opposition by returnable date.

List the matter one-week hence.