

12th January,
2021
(AK)
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W.P.A 11624 of 2020

Purnima Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee
Mr. Debashis Banerjee
Mr. D. Biswas
Mr. Supreem Naskar
Mr. Nazir Ahmed
Ms. Jayashree patra
Mr. Swagata Das
...For the Petitioner.

Mr. Neil Basu
...For the Respondent no.6, 7,8,10.

Mr. Bibek Jyoti Basu
Mr. Uttam Kumar de
...For the State.

Liberty is given to the learned advocate-on-record for the petitioner to amend the cause title with regard to the description of the spouse of the petitioner.

The grievance of the petitioner is that, despite being tortured by the private respondents, who are near relatives of the petitioner, the police authorities are not taking any action on the complaint lodged by the petitioner in that regard.

Learned counsel submits that the petitioner is a septuagenarian and is under grave threat of life and limb due to such inaction of the part of the private respondents.

Learned counsel appearing for the private respondent denies such allegations and submits that the subject-matter of the dispute is civil in nature and, as such, cannot be adjudicated by the writ court or by the police authorities.

As per previous direction, learned counsel appearing for the respondent authorities files an additional report disclosing that steps have already been initiated on the complaint lodged by the petitioner, giving rise to Regent Park Police Station case no.11 dated January 9, 2021 under Sections 341/323/509/506 of the Indian Penal Code, 1860.

It is further submitted in the report that the private respondents were prosecuted under Section 107 of the Criminal Procedure Code vide Regent Park Police Station Prosecution No.05 dated January 8, 2021.

It further appears from the report that the private respondents have also been asked to keep peace and tranquility at the premises-in-question and that the police authorities are keeping strong vigil on the dispute.

From the report, filed in court today, it appears that the police have initiated sufficient action with regard to the complaint of the petitioner.

However, learned counsel for the petitioner raises a relevant question on a wider premise as regards no maintenance officer having been appointed as yet as per the Rules framed under the Maintenance and Welfare of

Parents and Senior Citizens Act, 2007, in particular Rule 7 of such Rules, for the added Kolkata Police Stations for the District South 24 Parganas.

This, it is submitted, is creating serious harassment to senior citizens, who have to run from pillar to post to lodge complaints under the said Act, having no forum to do so.

Although such grievance is beyond the scope of the present writ petition, it is most unfortunate that the State respondent has not taken appropriate steps in that regard as yet.

Accordingly, W.P.A. 11624 of 2020 is disposed of by granting the petitioner liberty to approach a competent Civil Court with her grievances against the private respondents, at least till a maintenance officer is not appointed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for the neighbourhood from which the petitioner hails.

That apart, it is sincerely expected that the Government authorities of the State of West Bengal shall immediately look into the matter of appointment of maintenance officers under the Rules framed within the purview of the 2007 Act as early as possible, in order to redress the grievances of the senior citizens in the added Kolkata Police Station areas of District South 24 Parganas, West Bengal.

The petitioner is permitted to forward a server copy of this order to the appropriate authorities responsible for appointment of maintenance officer under the said Act.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)