

20.1.2021
gd/ssd
4

CO 6 of 2021
CAN 1 of 2021

Prabir Basak .. Petitioner
Vs.
The State of West Bengal & Ors. ..Opp. Parties

Mr. Jaydeep Kanta Bhowmik, Advocate
..for the Petitioner. Present in Court.

Mr. Debajit Kundu
..for the Respondent Nos.6 and 7. Present in Court.

Mr. Subir Kumar Saha and
Ms. Bedashruti Bose
..for the State. Present in Court.

An application was filed by the petitioner before the Tribunal under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act') and the same was duly received on May 22, 2020. However, the same has not been disposed of till date. The prayer is for a direction to the Tribunal to decide the application as the petitioner is facing harassment at the hands of the private respondents.

On the other hand, the learned counsel for the respondent Nos.6 and 7 raised objection regarding maintainability of the present petition. He submitted that there are no grounds mentioned in the petition and secondly, there is no order which has been impugned.

After hearing the learned counsels for the parties, in my opinion, the arguments raised by the learned counsel for the respondents are not tenable. The procedure is handmade of justice. The petitioner as the senior citizen has approached this court under Article 227 of the Constitution of India, as application filed by him before the Tribunal under the Act has not been adjudicated upon since May, 2020. If the Tribunal is sleeping over the matter, that certainly defeats the object for which the Act was enacted. Hence, the present petition is disposed of with a direction to the Tribunal to take up and decide the application filed by the petitioner after affording due opportunity of hearing to both the parties, as expeditiously as possible.

(Rajesh Bindal, J.)

