

11.07.2022
Court No.1
Item No.44
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 33 of 2021
With
CAN 1 of 2021**

**Smt. Shanti Devi Agarwala
Vs.
The State of West Bengal and Ors.**

Mr. Jagrti Mishra
Mr. Subham Gupta
Mr. Debayan Goswami
Mr. Reshab Kumar

... For the appellant.

Mr. Bikramaditya Ghosh
Mr. Hirak Barman
Mr. Momenur Rahman

... For the State.

Mr. Sunil Kumar Sarkar
Ms. Smita Sinha (Mitra)

... For the respondents.

The question raised by Mr. Mishra, counsel appearing for the appellant is rather academic.

It is submitted that the learned Single Judge in the impugned order has entertained an application under Article 226 instead of Article 227 of the Constitution of India in respect of a proceeding under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

This Court finds that the writ petition has been found by the learned Single Judge to be against over action of Bhaktinagar Police Station.

The Court had treated the matter as a case as one of police inaction under Group IX under classification of the list of the Calcutta High Court.

The finding of the Court below and the decision cannot be said de hors the facts available. This Court has not pronounced in detail on the issue raised as regards the propriety of the writ petition under Article 226 of the Constitution of India against the proceeding under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The matter becomes all the more academic since the original proceeding under Section 22 of the said Act of 2007 being No.550 of 2020 dated 06.10.2020 has been dismissed for default.

With the aforesaid observations, the appeal and the connected applications are disposed of.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)