

24.03.2023.
Court No.13
Item No. 29
pk

W.P.A. No. 18906 of 2019

**Padalal Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Debashis Banerjee,
Mr. Partha Sarathi Das.

...For the petitioner.

Mr. Sibnath Goswami.

...For the respondent nos.7 to 11.

The short question that comes for consideration in the instant writ petition is as to whether the District Magistrate and Collector, North 24 Parganas, acting as the Appellate Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, could have entertained appeal by the children of a senior citizen against the order of the S.D.O. and the Chairman of the Maintenance Tribunal under the said Act.

The language of Section 16 of the Act, 2007 is clear and explicit. The right to prefer an appeal against the order of the S. D. O./Chairman of the Maintenance Tribunal is conferred by the legislature only on the senior citizens or the parents.

In view of the above, the appeal preferred by the children i.e. the respondent nos. 7 to 11 against the order of the Maintenance Tribunal dated 20.11.2018 is wholly and completely without jurisdiction.

In that view of the matter, the impugned order dated 13.03.2019 shall stand set aside.

It is made absolutely clear that this Court has not entered into the propriety of the decision of the Maintenance Tribunal. Any remedies open to the respondents/children may be pursued in accordance with law.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)