

10th April,
2024
(AK)
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W.P.A 5080 of 2024

Mina Mukherji alias Mukherjee
Vs.
The State of West Bengal and others

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
...for the petitioner.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
...for the State.

Mr. Md. Hafiz Ali
Ms. Shanta Sarkar
Mr. Debojyoti De
...for the private respondent no.5.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioner contends that the petitioner is the aged mother of the private respondent no.5 and is being tortured by the said respondent.
3. As such, the petitioner has sought eviction of the private respondent from her own premises.
4. A proceeding has been initiated by the concerned Sub-Divisional Officer (SDO) under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
5. However, the same is still pending. The petitioner seeks relief from this court.

6. Learned counsel for the private respondent contends that the petitioner is motivated by her daughter who is the sister of the private respondent no.5.
7. Learned counsel for the respondent authorities submits that the contact number of the concerned police officers have been given to the petitioner so that the petitioner can lodge complaint as and when she is harassed, if at all.
8. Moreover, the police have already initiated a prosecution case on the basis of the complaint of the petitioner against the private respondent and have advised the private respondent to maintain peace and to shift to some alternative location if possible.
9. It is further submitted that despite the police having cooperated with the petitioner, the petitioner has given a declaration that she does not want to file a complaint against her son.
10. Copies of relevant documents in that regard are handed over by learned counsel for the State, which are kept on record.
11. Learned counsel for the petitioner submits that the petitioner's daughter is living with her and is a Thalassemia patient.
12. That apart, the petitioner still sticks to her allegations against the respondent no.5.

13. It is not possible within the limited conspectus of the writ petition to adjudicate, on evidence, the matter which is already sub-judice in the prosecution case as well as before the concerned Sub Divisional Officer who is the appropriate authority under the 2007 Act.
14. However, it is expected, keeping in view the seriousness of the allegations of the petitioner and her age, that the dispute shall be resolved at the earliest by the SDO.
15. Since learned counsel for the respondent authorities have submitted that the SDO has taken due steps in the matter but on the last occasion the matter could not be taken up due to absence of the private respondent no.5 and the next date has been fixed on June 12, 2024. It is expected that the matter shall be disposed of expeditiously.
16. Accordingly, WPA 5080 of 2024 is disposed of by directing the respondent no.3, the Sub-Divisional Officer, Kandi, Murshidabad, to dispose of the pending proceeding at the behest of the petitioner under the 2007 Act as expeditiously as possible, positively within September 30, 2024.
17. It is made clear that nothing in this order shall preclude the respondent authorities from proceeding with the prosecution case which has been taken out against the respondent no.5 which,

it is expected, shall reach its logical conclusion at the earliest as well.

18. This court has not entered into the merits of the allegations and the counter-allegations between the parties.
19. There will be no order as to costs.
20. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)