

D/L.10.
March 11, 2024.
MNS.

WPA No. 18604 of 2023

Miss. Chitralkha Adak
Vs.
The State of West Bengal and others

Mr. Amitava Ghosh,
Ms. Nabanita Chatterjee,
Ms. Arpita Dhar

... for the petitioner.

Mr. Ansar Mondal,
Mr. Sujit Chatterjee,
Ms. Somashree Dey

...for the State.

Mr. Chittapriya Ghosh,
Ms. Aiswarya Ghosh,
Mr. Somesh Ghosh

...for the private respondents.

1. Affidavit-of-service filed in Court today be kept on record.
2. Leave is granted to the Advocate-on-record of the private respondents to file Vakalatnama during the course of the day.
3. The petitioner submits that the petitioner is a senior citizen and is being harassed in several ways by the private respondents. Even the medicine of the petitioner which was sought to be brought in by another brother is being prevented from being given to the petitioner. The petitioner approached the concerned

authority, the Sub-Divisional Officer (SDO) for taking out an application under the relevant provisions of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (the Act of 2007). However, due to change of incumbent in the office of the SDO, no form for filing such application was supplied to the petitioner, for which the petitioner has made a representation on July 3, 2023 before the Sub Divisional Officer (SDO).

4. It is rightly submitted that in the meantime the current incumbent has joined office.
5. Learned counsel for the private respondent opposes the contentions of the petitioner and submits that the respondent no. 5 is also a senior citizen.
6. In view of the specific dispute having been raised with regard to the allegations sought to be made by the petitioner, although affidavits are not directed, the allegations made in the writ petition are deemed not to be admitted by any of the respondents.
7. Be that as it may, since the new incumbent has joined, the appropriate remedy of the petitioner is to file a proper application in appropriate format before the SDO.
8. Insofar as the interim protection sought by the petitioner, it is rather beyond the scope of the

writ petition to grant without ascertaining the actual facts.

9. However, in the event the petitioner is in difficulty, it will be open to the petitioner to approach the respondent no. 4, that the Officer-in-Charge, Chanditala Police Station, who will render adequate police assistance to the petitioner if the petitioner is in trouble in any manner.

10. Accordingly, WPA No. 18604 of 2023 is disposed of by granting liberty to the petitioner to approach the respondent no. 3, that is, the SDO and Presiding Officer of the Maintenance Tribunal, Seerampore Sub Division, with proper application under the Act of 2007.

11. If so approached, the said authority shall decide the same in accordance with law upon giving appropriate opportunity of hearing to all concerned.

12. In the meantime, if either of the private parties are facing any difficulty or make allegations against each other, it will be open to both the parties to approach the respondent no. 4, who will grant them adequate protection in that regard.

13. There will be no order as to costs.

14. Urgent photostat certified copies of this order,
if applied for, be made available to the parties
upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)