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21.05.2025  
Ct. No. 11  
rrc

**MAT 549 of 2025**  
**with**  
**IA No. CAN 1 of 2025**  
**and**  
**IA No. CAN 2 of 2025**  
(Geeta Devi Vs. The State of West Bengal & Ors.)

**Mr. Swarup Banerjee**  
**Mr. Sajal Kumar Ghosh**  
**Mr. Arindam Chatterjee**  
**Mr. Arinjoy Pal**  
**Mr. Subham Biswas**

**..... For the appellant**

**Mr. Dipanjan Datta, Sr. Govt. Adv.**  
**Mr. Subhajit Chowdhury**

**..... For the State respondents**

**Mr. Sayak Chakraborti**  
**Mr. Wrickbrota Roy**  
**Mr. S. Chatarjee**  
**Ms. Nishar Molla**  
**Mr. Iswar Das**

**..... For the respondent no. 5**

Affidavit-of-service, as filed, be kept on record.

As we have invited the parties to advance their arguments on merits of the matter, the delay in filing the appeal is condoned and the application being IA No. CAN 2 of 2025 is disposed of.

The present appeal has been preferred challenging an order dated 14<sup>th</sup> January, 2025 passed in a writ petition being WPA 30842 of 2024. In the writ petition, the appellant alleged, *inter alia*, that she is not being allowed to enter into the flat being Flat No. 5H, 207, N.S.C. Bose Road, P.S. Netaji Nagar, Kolkata – 700 047 (hereinafter referred to as the said flat), which belongs to her son, the proforma respondent no. 6 herein.

Mr. Banerjee, learned advocate appearing for the appellant submits that the appellant's daughter-in-law was not allowing her to peacefully reside at her son's flat. She was abused and was also assaulted. Such facts were reported to the police authorities, however, no steps were taken and as such, she was constrained to prefer the writ petition.

Mr. Banerjee further submits that the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 are not applicable to the appellant. However, he is not urging the said issue in the present appeal.

He argues that as the flat belongs to the appellant's son, her daughter-in-law cannot prevent her from entering the said flat and from residing therein. Such argument, as advanced, was glossed over by the learned single Judge. Such infirmity warrants interference in appeal.

Mr. Roy, learned advocate appearing for the daughter-in-law being the respondent no. 5 herein denies and disputes the contention of Mr. Banerjee and submits that presently the respondent no. 5 is residing along with her two minor children in the said flat. She was constantly heckled and harassed by the appellant as well as the proforma respondent herein. Aggrieved thereby, the said respondent filed appropriate application under the Protection of Women from Domestic Violence Act, 2005

and the competent Court passed an order on 28<sup>th</sup> November, 2024, as would be explicit from the documents annexed at pages 89 and 90 of the application for appropriate order. The allegations levelled against her are absolutely unfounded.

Answering our query, Mr. Roy, however, submits, upon instruction, that the respondent no. 5 has no objection if the appellant comes and resides in the said flat.

He further submits that as the respondent no. 5 was treated cruelly, she was constrained to lodge a complaint which was registered as Case No. 214 of 2024 dated 16<sup>th</sup> October, 2024, P.S. – Netaji Nagar and the said proceeding is still pending.

Mr. Datta, learned senior Government advocate appearing for the State respondents submits that the police authorities have taken appropriate steps and as such, the allegations levelled against them are untrue.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Considering the facts and circumstances of the case, the learned single Judge, in our opinion, rightly disposed of the writ petition observing that the appellant being a senior citizen lady would be at liberty to approach the appropriate authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and that

if any direction is passed by the said authorities, the concerned police station shall respect such order and render all possible assistance to her.

In view thereof, no interference is called for in the present appeal.

The appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Needless to observe, nothing in this order will prevent the appellant from approaching the competent forum, if so advised and in accordance with law.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)**