

D/L 46
22.05.2025
Bpg.
ct.no.35

W.P.A.10560 of 2025

**Smt. Kamala Rani Das
Versus
The State of West Bengal & Ors.**

Mr. Arya Bhattacharyya
Mr. Soumyadeep Das.
...for the petitioner.
Ms. Sonal Sinha
Ms. Ashmita Chakraborty.
...for the State-respondents.
Mr. Joydeep Das
Ms. Rajeswaree Mitra
...for the respondent nos.5 & 6.

Petitioner claims that she is forced to reside with her daughter and son-in-law because of the torture inflicted at the behest of the respondent nos.5 and 6 who happen to be the son and daughter-in-law respectively. Petitioner also claims that the property belongs to her and because of circumstances created at the behest of the private respondents, she is unable to stay at the residence. There are other issues which are in the nature of family feud.

Learned advocate for the private respondents do not raise any objection if the petitioner returns and stays at house.

Police authorities have submitted a report.
Let the same be kept with the record.

I have considered the submissions of the respective parties as also the report submitted by the State.

Having considered the nature of the dispute complained of and that the last of the representation was submitted on September, 2024, I do not find any scope to invoke the jurisdiction under Article 226 of the Constitution of India in view of the fact that the petitioner has an alternative and efficacious remedy available under the relevant provision of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007. If such an application is filed before the Sub-Divisional Officer or the appropriate authority under the aforesaid Act, the same may be disposed of preferably within a period of three months from the date of filing of the said application.

With the aforesaid observations, WPA 10560 of 2025 is disposed of.

There will be no order as to costs.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)