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16.09.2025  
AGM

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 15743 of 2025**

**Jayanta Moyra  
-versus  
The State of West Bengal & Ors.**

**Mr. Md. Shamimuddin.  
Ms. Sana Parveen.  
...For the Petitioner.**

**Mr. Balaram Patra.  
Mr. S. Bhattacharya.  
... For the respondent nos. 5 and 6.**

**Mr. K. J. Yusuf.  
Mr. Isteyak Ahmed.  
... For the State.**

1. The order of the Sub Divisional Officer, Kakdwip, South 24 Parganas being the Chairman of the Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 dated 3<sup>rd</sup> December, 2024 is impugned in the instant writ petition.

2. The said order is an appealable one. Learned advocate for the petitioner submits that appeal against the said order was filed and the same stood dismissed. The order of the appellate forum is not under challenge in the instant writ petition.

3. On dismissal of the appeal, the order passed by the Chairman merged with the appellate order. Right now there can be no independent existence of the order passed by the Chairman of the Tribunal.

4. In view of the above, the challenge to the order passed by the Chairman does not survive at all. No relief can be granted to the petitioner in the instant case.

5. The writ petition fails and is hereby dismissed.

6. It will be open for the petitioner to challenge the order passed by the appellate authority before the competent forum in accordance with law, if so advised.

7. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**