

D/l 48
16.09.2025
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ct.no.35

W.P.A.20000 of 2025

**Noor Saba
Versus
The State of West Bengal & Ors.**

Ms. Neelam Kumari.
...for the petitioner.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
Mr. Tapan Coomar Dey
Mrs. Ghazala Firdaus.
...for the State-respondents.

Petitioner is aggrieved by the presence of an Executive Magistrate wherein petitioner claims that they have been attempted to be evicted from the premises. Reference has been made to the order dated 28.04.2025 wherein the Sub-Divisional Officer under the relevant provisions of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 directed amongst others "The police Authorities of Howrah Police Station are directed to ensure that peace and tranquility prevails in the said property/house under question. They are also directed to ensure that the petitioner, his wife and youngest daughter are allow to reside peacefully in the house (at 239, Belilious Road, P.S.-Howrah, Dist.-Howrah, Pin-711101) without facing any difficulties from the opponent parties."

Petitioner also submits that a civil suit is pending being T.S. No.682 of 2023. However, there is no injunction order passed in the said civil suit. There are already criminal cases pending amongst the parties as is reflected from the documents enclosed.

State has submitted a report. Report reflects that pursuant to the direction dated 28.04.2025, the Inspector-in-Charge, Howrah Police Station made an application to the Sub-Divisional Officer for deputing an Executive Magistrate for smooth execution of the order so passed. The Sub-Divisional Officer Sadar Howrah passed an order, thereby deputing an Executive Magistrate. The concerned Executive Magistrate filed his report to the SDO Sadar Howrah. However, the said order of the SDO Sadar Howrah dated 28.04.2025 passed in connection with Case No.45/2024-25 could not be complied with.

Having considered that the petitioner is aggrieved by the act and action of the Sub-Divisional Officer and/or the consequential orders passed in connection with Case No.45/2024-25 in a proceeding under the relevant provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and since against the said order an appeal is maintainable, I am of the opinion that an alternative and efficacious remedy is available to the petitioner,

as such, the jurisdiction under Article 226 of the Constitution of India cannot be invoked.

With the aforesaid directions, WPA 20000 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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

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

(Tirthankar Ghosh, J.)