

29.01.2026
Court No.25
D/L No.33
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 1775 of 2026

**Sonatan Dutta & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Prosenjit Mukherjee
Mr. Nirmalya Kr. Das
Mr. Jahangir Hossain
Ms. Manisa Mondal
Ms. Babita Pramanik
Mr. Raja Roy

...for the Petitioners

Mr. Amal Sen, Ld. AAG
Mr. Jayanta Samanta
Ms. Debdooti Dutta

...for the State

Mr. Ankit Agarwala
Ms. Alotriya Mukherjee
Ms. Arpita Paul Biswas
Mr. Subir Debnath
Mr. Pappu Adhikary

...for the Respondent No.11

1. The Coordinate Bench of this Court by an order dated 22nd April, 2022 in WPA 1033 of 2019 (*Mamta Sarki & Anr. vs. State of West Bengal & Ors.*) held that the order passed by the learned Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act can be challenged by way of an application under Article 227 of the Constitution of India and not by way of an application under Article 226 of the Constitution of India.

2. This Court finds that the petitioner has filed the present application under Article 226 of the Constitution of India.
3. Thus, the writ application being WPA 1775 of 2026 filed by the petitioners is dismissed as not maintainable.
4. However, the dismissal of the present writ application will not prevent the petitioners to take appropriate steps by filing an application under Article 227 of the Constitution of India challenging the impugned order.
5. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Krishna Rao, J.)