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(AR.CT)

12.11.2026
Ct.05

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)
W.P.A. NO 12875 OF 2026

Jyotsna Mondal & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Saiful Alam

….for the petitioners.

Mr. Billwadal Bhattacharyya,
Mr. Suryaneel Das,
Ms. Suchitra Sinha Chatterjee

….for the State.

1. Mr. Billawdal Bhattacharyya, learned Additional Advocate General representing State respondents appears on virtual mode has made submission based on a communication dated 18th September, 2026 of Inspector-in-Charge, Suri Police Station, Birbhum. Said communication dated 18th September, 2026 enclosing other documents are placed before this Court and same are taken on record. Copy of communication dated 18th September, 2026 is made over to learned advocate representing petitioners.

2. It is submitted on behalf of State respondents that on 17th September, 2026 concerned police authorities took steps to facilitate petitioner no.1 to stay at the premises in question but petitioner no.1 refused to enter into the premises on the plea that exit and entry point of the premises is shifted from its original place to another side of the premises. In this regard petitioner no.1 has submitted a declaration before concerned police authorities which is annexed to

communication dated 18th September, 2026. According to State respondents, in spite of making all arrangements order dated 27th August, 2026 could not be complied with since petitioner no.1 refused to enter into the premises through new exit and entry point.

3. Learned advocate representing petitioners submits that petitioner no.1 was under the impression, if petitioner no.1 stays at the premises, petitioner nos. 2 to 4 being daughters of the petitioner no.1 would not be permitted to stay along with petitioner no.1. In other words, it is contended on behalf of petitioners that three daughters of petitioner no.1 may be permitted to stay with petitioner no.1

4. On perusal of writ petition, it is found that order dated 16th July, 2024 passed by jurisdictional authority under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was sought to be implemented. It was specifically recorded in the said order dated 16th July, 2024 that daughters of petitioner no.1 can meet their mother by visiting place where mother is staying without hampering privacy, security and dignity of others who were staying at the premises.

5. Therefore, whether daughters being petitioner nos.2 to 4 of petitioner no.1 can stay with their mother being petitioner no.1 at the premises in question was not decided by jurisdictional authority under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as it appears from the order dated

16th July, 2024. No prayer is couched in the present writ petition seeking a direction so that petitioner nos.2 to 4 can be permitted to stay with their mother being petitioner no.1, rather writ petition is instituted for implementation of order dated 16th July, 2024.

6. Therefore, this Court is not required to decide right of petitioner nos.2 to 4 to stay at the same premises with their mother. However, right of petitioner nos. 2 to 4 to visit the place where their mother is staying, is protected vide order dated 16th July, 2024.

7. In view of aforesaid discussion and taking note of contents of order dated 16th July, 2024, petitioners shall be at liberty to intimate Inspector-in-Charge, Suri Police Station being respondent no.4 by seven days from date when petitioner no.1 will enter into the premises in question for her stay, if petitioner no.1 is willing to stay there. In the event, date is intimated within the aforesaid time to respondent no.4, steps shall be taken by fortnight thereafter by respondent no.4 by providing necessary police assistance which will facilitate petitioner no.1 to stay at the premises in question.

8. With the aforesaid directions, writ petition stands disposed of.

9. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)