14.10.2026
Item No.3
Court No.551
(Bench
ID:266058)
CHC

In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26181 of 2026

Smt. Bandana Sadhukhan & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sumit Ray, Advocate
Ms. Payel Khanra, Advocate
...for the petitioners

Mr. Rivu Dutta, Advocate
Mr. Sukanta Banerjee, Advocate
...for the State

Mr. Pintu Karar, Advocate
Mr. Sabab Uddin Laskar, Advocate
...for the private respondent

1. Affidavit-of-service filed in Court be taken on record.
2. The instant writ petition has been filed by the petitioners for direction upon the concerned Tribunal constituted under the Maintenance & Welfare of the Parents & Senior Citizens Act, 2007 to proceed with the application.
3. The said application filed by the petitioners is said to have been disposed of in absence of the present petitioners.
4. It is submitted by the learned advocate for the petitioners that the petitioners filed an application under Maintenance & Welfare of the Parents & Senior Citizens Act, 2007.

5. The said petition was being heard by the Tribunal constituted under the Maintenance & Welfare of the Parents & Senior Citizens Act, 2007.
6. It was fixed on August 10, 2026.
7. The petitioners did not receive any notice with regard to the date fixed in the proceeding. They could not appear on such date. The case was again fixed on September 7, 2026 at 1:00 p.m.
8. Learned advocate for the petitioners further submits that they did receive the notice in respect of the date fixed on September 7, 2026 on September 14, 2026.
9. Learned advocate for the petitioners relies upon the track report showing that the notice sent through speed post was booked on 9th September, 2026 and it reached the petitioners on September 14, 2026. He submits that he had no intimation about the date fixed in the proceeding as such they could not appear. Proceeding was dropped due to non-appearance of the petitioners.
10. Learned advocate for the State respondent submits that the proceeding was dropped by the concerned Tribunal as the petitioners failed to appear before it.
11. Having heard the submissions made on behalf of the parties, it appears that the petitioners filed a proceeding under the provisions of Maintenance & Welfare of the Parents & Senior Citizens Act, 2007. The matter was first fixed on August 10, 2026 for

hearing. However, the petitioners could not appear in the said proceeding. According to the petitioners, they had no notice of the date fixed in the proceeding. Subsequently, the date was fixed on September 7, 2026 when again petitioners failed to appear and ultimately the petition filed on behalf of the petitioners was directed to be dropped on the ground that petitioners therein were not interested in pursuing the proceeding. The track report relied upon by the learned advocate for the petitioners goes to show that a notice regarding the date fixed in the proceeding on September 7, 2026 was put into transmission by speed post on 9th of September, 2026 i.e. after the date was fixed in the proceeding.

12. Learned advocate for the respondent at the time of hearing submitted that, authorities tried to communicate the date fixed to the petitioners over telephone before the date fixed. However, such communication could not be made.

13. Be that as it may, it is evident from the material on record that the petitioners could not appear in the proceeding as they were not aware of the date fixed in such proceeding for which, proceeding was dropped by the Tribunal upon observation that petitioners were not interested in the disposal of such petition.

14. Considering the aforesaid facts and circumstances of the case, the instant writ petition may be disposed of

with a direction upon the learned Tribunal to hear and dispose of the application filed by the petitioners under the provisions of Maintenance & Welfare of the Parents & Senior Citizens Act, 2007. Learned Tribunal shall fix up a date in the proceeding with prior notice to both the parties and upon hearing both the parties.

15. With the aforesaid observations/directions, WPA 26181/2026 is disposed of.

(Md. Shabbar Rashidi, J.)

CHINMOY CHAKRABORTY
Digitally signed by CHINMOY CHAKRABORTY
Date: 2026.10.14 17:26:30 +05'30'