

09.03.2021
Sl. No. 6
srm

C.O. No. 465 of 2021
Mita Das & Anr.
Vs.
Sub-Divisional Officer & Ors.

Mr. Dip Jyoti Chakraborty

...for the Petitioners.

This revisional application has been filed alleging refusal in accepting the application filed by the petitioners under Sections 4 and 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on the part of the office of the Sub-Divisional Magistrate at Barrackpore.

It is contended that the said application was sent by speed post but the same has not yet been registered as a case by the learned Tribunal.

It appears from the records that a postal track report downloaded from the website of the Indian Post which shows that the said application had been received by the office of the Sub-Divisional Magistrate. Records also reveal that the said application was filed pursuant to a leave granted by this Court in a writ proceeding. The said order was also annexed to the application.

It is the contention of the petitioners that the learned Tribunal ought to have registered the said case and ought to have proceeded with the hearing of the same.

Although the said application and the postal receipts are on record yet, this Court is of the opinion that as there is no scope to pass any order against the learned Tribunal at this stage and instead of keeping the revisional application pending for which no purpose will be served, this revisional application is disposed of without passing any order. The petitioners are always at liberty to file a fresh application physically before the learned Tribunal in the appropriate format and in accordance with law. If the same is filed, the learned Tribunal will proceed in accordance with law. This court has not entered into merits of the claim of the petitioners.

This revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)