

12-05-2022
ct no. 13
Sl. 20
pk

WPA 10294 of 2021

Pritam Giri
-Versus-

State of West Bengal & Ors.

Mr. Nilanjan Adhikari

...for the petitioner.

The writ petitioner challenges an order passed by the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in Case No. 01/SC/SD/DH of 2019.

By the impugned order, a gift deed of a property given to the petitioner by the respondent father was quashed and set aside under Section 23 of the said Act of 2007, on the ground that the petitioner has not been maintaining his father.

Counsel for the respondent father relies upon a decision of the Co-ordinate Bench dated 15.11.2018 in WP 15348 (W) of 2018 wherein it is held that a Writ Court cannot entertain challenges under Article 226 of the Constitution of India to the decision of Tribunal under statute.

The petitioner has not been able to demonstrate any act in excess of jurisdiction or violation of natural justice. The decision of the Tribunal, therefore, does not call for any interference under Article 226 of the Constitution of India.

In view of the above, no relief can be granted to the petitioner under Article 226 of the Constitution of India.

The writ petition is dismissed.

There will be no order as to costs.

(Rajasekhar Mantha, J.)