

D/L. 15.
February 19, 2024.
MNS.

WPA No. 20214 of 2023

Smt. Rina Dutta
Vs.
The State of West Bengal and others

Mr. Sreekumar Chakraborty

... for the petitioner.

Mr. Rajarshi Basu,
Mr. Subhendu Sengupta

...for the State.

Mr. Debashis kar,
Mr. Arko Tilak Bhadra,
Ms. Jagori Mitra

...for the respondent nos. 5 and 6.

1. Learned counsel for the petitioner submits that the petitioner gifted a property to her son, the respondent no. 5. However, thereafter the petitioner is suffering harassment in the hands of the respondent no. 5 and 6, the son and the daughter-in-law of the petitioner respectively. The petitioner now seeks to cancel the gift deed.
2. On query of court, it is submitted that during the pendency of the writ petition, a case has been taken out under the provisions of Maintenance of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

before the appropriate authority, which has been kept pending for some time.

3. A report filed with regard to the status of the said case by learned counsel for the State be kept on record.
4. The contentions raised by the petitioner are controverted by the private respondents, who submit that the allegations made against the private respondents are all denied.
5. Upon hearing learned counsel for the parties, it transpires that during the pendency of the writ petition, the petitioner has approached the appropriate authority, which is competent in law to decide such issues.
6. Accordingly, WPA No. 20214 of 2023 is disposed of by directing the Sub-Divisional Officer, Barrackpore, to dispose of Case No.34 of 2023 initiated before the said authority by the petitioner as expeditiously as the business of the Sub-Divisional Officer permits.
7. It is expected that the said proceeding shall be concluded in accordance with law without being influenced on merits in any manner by any of the observations made herein and after giving an opportunity of hearing to all concerned within six months from the date of communication of this order.

8. There will be no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)