

D/L 44
08.04.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 3722 of 2025

Mahamaya Kundu
Vs.
The State of West Bengal & Ors.

Mr. Dipayan Kundu
Mr. Soumya Sankar Chini

...for the Petitioner.

Mr. Biswabrata Basu Mallick

...for the State.

Mr. Sukanta Das

...for the Respondent nos. 5 & 6.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner prays for revocation of the deed of gift made in favour of the private respondents. The petitioner claims to be a senior citizen and intends to take recourse under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
3. Learned advocate for the private respondents submits that the petitioner is being instigated by one of her sons to get the deed of gift revoked. The petitioner has got enough landed properties from which she can comfortably maintain herself. Some of the landed properties have been gifted to her two sons and only the subject property involved in the instant writ petition has been gifted to the daughters. The petitioner has not made any other prayer in the writ petition apart from a prayer for revoking the deed of gift.

4. The District Magistrate has passed order recording that the petitioner is not agreeable to the proposal given by the daughters to maintain their mother and pay maintenance cost and to live with them.
5. The affidavit filed by the private respondents before the Maintenance Tribunal and the proposal made by the private respondents before the District Magistrate have been placed before this Court with a copy to the learned advocate for the petitioner.
6. After hearing the submissions made on behalf of the petitioner, the private respondents and on perusal of the order passed by the Sub-Divisional Officer and the appellate authority being the District Magistrate, Paschim Medinipur, the Court is convinced that there is no requirement of interfering in the instant writ petition. The petitioner ought to approach the competent civil forum for revocation of the deed of gift executed in favour of the private respondents.
7. The writ petition fails and, is hereby dismissed.
8. Dismissal of the writ petition, however, will not stand in the way of the petitioner from approaching the Civil Court for redressal of her grievances, if so advised.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)