

S/L 8
21.09.2026
Court. No. 25
Sourav

WPA 8207 of 2025

**Sri Krishna Maity
Vs.
State of West Bengal & Ors.**

*Mr. Jahar Lal Ray
Ms. Kavita Rai*

...for the petitioner.

Mr. Agniswar Bhuniya

...for the respondent no. 4.

1. The petitioner has filed the present writ application challenging the order passed by the Sub-Divisional Magistrate, Tamruk, Purba Medinipur by annulling the gift deed executed in favour of the petitioner by the respondent no. 4.
2. Being aggrieved and dissatisfied with the order passed by the Sub-Divisional Magistrate, i.e., Presiding Officer of the Tribunal dated December 5, 2024, the petitioner has preferred an appeal before the Appellate Authority i.e., the learned District Magistrate, Purba Medinipur. The learned District Magistrate has also upheld the order passed by the learned Magistrate and dismissed the appeal preferred by the petitioner.
3. After going through the order passed by the Sub-Divisional Magistrate, this Court finds that the Sub-Divisional Magistrate has annulled the gift deed only on the ground that the private respondent was subjected to several atrocities and mental torture from her son and grandson. This Court does not find any evidence, report or any finding recorded by the Sub-Divisional Magistrate in the impugned order.

4. This Court failed to appreciate that the petitioner who has preferred an appeal is not a senior citizen. Under Section 16 of the Act, only the senior citizen can prefer an appeal but the Appellate Authority had entertained the appeal filed by the petitioner who is not a senior citizen and, as such, the order passed in the appeal by the appellate authority is without jurisdiction.
5. Considering the above, this Court finds that the Sub-Divisional Magistrate has passed an order without any reason. Accordingly, the same is set aside and quashed. The matter is remanded back to the Sub-Divisional Magistrate for rehearing the matter and after giving an opportunity of hearing to all the parties to pass a reasoned and speaking order within a period of six weeks from the date of receipt of this order.
6. **WPA 8207 of 2025** is disposed of.
7. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)