

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 505 of 2025

Rajea Khatun

vs.

The State of West Bengal & Ors.

With

CAN 1 of 2025

CAN 2 of 2025

For the Appellant : Mr. Samiran Mondal

For the Respondent Nos. 6 & 7 : Mr. Sk. Rejaul Alam
Mr. Pankaj Halder

For the Respondent No. 8 : Mr. Nitish Samanta

For the State : Mr. K.J. Yusuf, A.G.P.,
Mr. Sanjay Mukherjee

Heard & Judgment on : **August 21, 2025**

MD. SHABBAR RASHIDI, J.:-

1. CAN 1 of 2025 is an application seeking condonation of delay in making
and filing the appeal.

2. The department reports a delay of 19 days in filing the appeal.
3. We gave gone through the averments made in the application under Section 5 of the Limitation Act being CAN 1 of 2025 are accepted as sufficient. The delay in making and filing the appeal is condoned.
4. **CAN 1 of 2025 is disposed of.**
5. With the consent of the parties, the appeal is taken up for final hearing.
6. The instant appeal has been preferred against an order passed by the learned Single Judge on February 13, 2025 in W.P.A. 18840 of 2024. By the said order, learned Single Judge directed that if the writ petitioner feels insecure, she would approach the police authorities who would provide a lady constable as escort to the petitioner for entering the ground floor of the residential building. It was further directed that every alternate day, the concerned police officer would visit and ensure whether the petitioner is subjected to any harassment/ill treatment and thereafter, if she finds that there are circumstances which have been blown out of proportion, report to the Inspector-in-Charge of the Panskura Police Station who would take appropriate steps in accordance with the law. Learned Single Judge further held in the impugned order that in the meantime, the petitioner would approach the appropriate authority under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

7. It is the case of the appellant that she has been residing in a residential house owned by herself and her children. Her younger son also resides in the first floor of the said building. Appellant has been residing on the ground floor, although she claims that she is in possession of a room on the first floor. Citing her inconvenience, the appellant seeks an order to shift to the first floor of the building which according to the appellant was objected by her younger son. Nothing has been placed on record that the building in question has been partitioned amongst the co-sharers and specific portion thereof has been allotted to such co-sharers. Admittedly, the appellant has been residing in the ground floor and seeks for a room on the first floor of the building.
8. In the impugned order, learned Single Judge granted liberty to the appellant to approach the appropriate authority under the Act of 2007 which has not yet been done by the appellant, although a period of six months has elapsed from the date of passing of the order.
9. In an appeal directed against an order passed by the learned Single Judge exercising jurisdiction under Article 226 of the Constitution of India, we need not go into the arena as to which of the private parties reside at which portion of an immovable property by them without any partition being effected amongst themselves.

10. Appellant before us stands adequately protected by the direction issued by the impugned order.

11. In such circumstances, we find no ground to interfere with the present appeal.

12. **M.A.T. 505 of 2025** is **dismissed** without any order as to costs.

13. In view of the dismissal, the connected application being **CAN 2 of 2025** is **disposed of**.

(Md. Shabbar Rashidi, J.)

14. I agree

S.D.

(Debangsu Basak, J.)