

18.11.2025

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WPA 22806 of 2025

Mrs. Majida Khatun Biwi
Vs.
The State of West Bengal & Ors.

Mr. Rabindranath Bag, Sr. Adv.
Md. Nur Hossain Zamadar
Ms. Nazni Khatun
....for the petitioner

Mr. Avishek Guha
Ms. Shilpa Das
.... for the respondent no. 2

Mr. Sk. Md. Wasim Akram
.... for the respondent no. 6

Mr. Swapan Banerjee, learned AGP
Mr. Bikash Goswami
..... for the State

1. Affidavit-of-service, as filed in Court, is kept on record.
2. Mr. Banerjee, learned Additional Government Pleader is present in Court.
3. Writ petitioner, in an innocuous manner, challenges violation of the order of status quo passed by the Civil Judge (Senior Division), Basirhat, North 24 Parganas, on 2nd August, 2025, ostensibly passed in a partition suit between the mother and her two sons. Strangely, a non-banking financial company has also been arrayed as a party defendant in the said suit.

4. Mother had gifted portion of the property to her two sons.
5. The younger son, Tarikul Molla, respondent no. 6 herein, availed of a financial accommodation from the Aditya Birla Housing Finance Limited (hereinafter referred to as "Aditya"). He defaulted in repayment of the loan, on account whereof proceedings were initiated by "Aditya" to recover such outstanding loan amount and an order was passed by the Chief Judicial Magistrate, North 24 Parganas, Barasat, under Section 14 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act"). It was only thereafter, that the partition suit was filed by the mother against her two sons and against the Aditya.
6. The petitioner's principal apprehension, on the basis whereof this writ petition has been filed, is that the land of the petitioner may be sold as part of the mortgaged property by Aditya, pursuant to the sale notice. Date of the auction is fixed tomorrow i.e. on November 19, 2025.
7. Mr. Guha, learned Advocate appearing for the respondent no. 2, submits that the sale will only take place in so far as the mortgaged property is concerned, that belonging to Tarikul Molla. The petitioner's grievance is unfounded that his

property may be sold as part of the mortgaged land. In fact, he submits that the land has already been demarcated as it appears from the order dated March 10, 2025, passed by the Chief Judicial Magistrate, North 24 Parganas, Barasat, under Section 14 of the SARFAESI Act, a copy whereof has been handed over to the Court.

8. Let such copy of the order be kept on record.

9. In view of such submissions, the apprehension of the petitioner stands addressed.

10. Mr. Akram, learned Advocate appearing for the respondent no. 6, submits that an application under Section 17 of the SARFAESI Act has been filed by him and is pending before the Debts Recovery Tribunal-III, Kolkata, which is not connected with the land of the petitioner.

11. In view of the aforesaid, the petitioner's apprehension is ill founded.

12. The writ petition is, thus, dismissed.

13. There shall, however, be no order as to costs.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)