

15.01.2025
Item No.12
gd/ssd

MAT/1841/2024
ARSHINA RAHMAN
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024, CAN/2/2024

Mr. Sufi Kamal,
Ms. Shireen Hossain
..for the Appellant.

Mr. Tarak Karan
..for the State.

Mr. Fazlur Rahman,
Md. Babul Hussain
..for the Private Respondents.

Re: CAN 2 of 2024

1. This application has been filed by the appellant seeking condonation of delay of 25 days in filing this appeal.

2. Learned counsel for the appellant has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellant was prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 2 of 2024 is accordingly, allowed.
The delay in filing the appeal is condoned.

Re: MAT 1841 of 2024

5. This intra court appeal is directed against the order dated 11th July, 2024 in WPA 1912 of 2024.

6. The appellant/writ petitioner essentially seeks is to put her in possession in her property which, according to her, she has got 1/3rd share as the property was inherited by her brothers and herself after the demise of her mother.

7. The learned Single Bench rightly opined that the police authority cannot put the appellant in possession of any immovable property.

8. That apart, a suit for partition has been filed by the brothers of the appellant which is pending in which the appellant has entered appearance.

9. Therefore, we find no ground to interfere with the impugned order.

10. The learned advocate for the appellant submitted that the private respondents, namely, the appellant's brothers are sending WhatsApp messages by using vulgar words, causing mental trauma and tension to the appellant and in this regard a complaint has been lodged before the jurisdictional police and no action has been taken. This is a separate cause of action and if a complaint has been lodged before the 4th

respondent/police station, the same shall be enquired into and action is taken in accordance with law.

11. With the above observations, the appeal stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)