

22.07.2026
Item No.15 (DL)
Court No.7
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 20235 of 2025

Asset Reconstruction Company India Limited & Anr.
-Vs-
State of West Bengal & Ors.

Mr. Avishek Guha,
Ms. Sonal Agarwal,
.....for the petitioners.

Mr. Debductta Laha ,
.....for the Respondent no. 8.

Mr. D. N. Ray, Ld. G.P.
Mr. Ajit Kr. Chaubey, Sr. Govt. Adv.,
Mr. Vinayak Chaubey,
... For the State.

1. The petitioner complains of inaction on the part of the District Magistrate, South 24-Parganas in implementing the order dated August 08, 2023 passed by the said authority under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the 2002 Act”), upon disposing of the petitioner’s representation dated July 17, 2025 made for such purpose.

2. The petitioner claims to be a secured creditor. The petitioner had filed an application under Section 14 of the 2002 Act which was disposed of by the District Magistrate, South 24-Parganas by an order dated August 08, 2023 thereby authorizing the officer named therein

to take possession of the secured assets indicated in the application under Section 14 of the 2002 Act and to forward the same to the petitioner with the assistance of police.

3. It is the petitioner's case that in terms of the said order dated August 08, 2023 possession was handed over to it on November 28, 2024, but thereafter, the private respondent Nos. 8 and 9 trespassed into the said property.

4. Under such circumstances, a complaint was lodged before the jurisdictional police station on January 22, 2025. An F.I.R was also registered to that effect. Subsequently, the petitioner made a representation on July 17, 2025 before the District Magistrate, South 24-Parganas requesting the said authority to implement the order passed by the said District Magistrate on August 08, 2023.

5. Mr. Guha further submits that the said representation still remains unconsidered and the secured creditor remains out of possession.

6. Mr. Guha relies on a judgment of a Co-ordinate Bench of this Court in W.P.A 13222 of 2024 (***PNB Housing Finance Limited & Anr. Vs. State of West Bengal & Ors.*** delivered on May 16, 2024) and submits that it is now well-settled that Section 14(2) of the 2002 Act admits a wide interpretation and the authority under

Section 14 can take all steps and use all forces as may be required for the purpose of implementation of the order passed by such authority under Section 14(1) of the 2002 Act.

7. Mr. Dubdutta Laha, learned advocate appearing for the respondent no. 8 submits that it cannot be alleged that the respondent no. 8 trespassed into property inasmuch as he is a co-owner of the property and he has acquired title in respect thereof by way of inheritance.

8. It is further submitted by Mr. Laha appearing that the respondent nos. 6 and 7 have no right, title and interest in respect of the property in question.

9. Heard the learned advocate appearing for the respective parties and considered the materials on record.

10. The order passed by the District Magistrate, South 24-Parganas under Section 14 of the 2002 Act still remains in force. The said order was passed as far back as on August 08, 2023 and it is apparent from the material available on record that possession of the secured asset was handed over to the petitioner on November 28, 2024.

11. Since the said order dated August 08, 2023 remains unassailed and unscathed therefore any further order passed under Section

14 (2) of the 2002 Act, subsequent to the said order would only be consequential in nature. If the main order subsists then there can be no impediment in passing a consequential order implementing the same when power therfor exists. Section 14(2) of the 2002 Act provides such power to the District Magistrate as held in ***PNB Housing Finance Limited & Anr.*** (supra).

12. If the respondent no. 8 has any right title on interest in respect of the properties (or any of them) in respect whereof the said order under Section 14 of the 2002 Act was passed it was/is open for him to challenge the said order in accordance with law. It was in fact open to him to resist possession being handed over by assailing the order under Section 14 of the 2002 Act at the very threshold.

13. However any question of title cannot be adjudicated in this writ petition, having regard to the limited scope thereof.

14. Accordingly, the District Magistrate, South 24-Parganas is directed to dispose of the petitioner's representation dated July 17, 2025 and implement its order dated August 08, 2023 in accordance with law and in the light of the judgment of the Co-ordinate Bench of this Court in the case of ***PNB Housing Finance Limited & Anr.*** (supra).

Such exercise must be and concluded as expeditiously as possible and preferably within a period of four weeks from the date of communication of this order.

15. It is clarified that nothing in this order shall prevent the respondent no. 8 from assailing the order dated August 08, 2023 passed by the District Magistrate or any other consequential order, in accordance with law.

16. W.P.A. 20235 of 2025 is disposed of with the above observation.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)