

16-08-2021  
ct no. 13  
Sl. 71  
Jks/sayandeep

**WPA 1662 Of 2000**  
**IA CAN 3 of 2020 (Old No. 1325 of 2020)**  
**IA CAN 4 of 2020 (Old No. 1342 of 2020)**

Sarat Chandra Naskar  
**-Versus-**

Katwa-Kalna Co-operative Agriculture & Rural  
Development Bank Ltd. & Ors.  
**(Via Video Conference)**

Mr. Sabyasachi Mukhopadhyay  
Ms. Koushikee Banerjee  
..... For the petitioner  
Mr. Prabir Kumar Chaudhury  
..... For the Bank

**In Re: CAN 1342 of 2020**

This is an application filed under Section 5 of the Limitation Act for condonation of delay of about 885 days in filing the restoration application.

Having heard the learned Advocate appearing on behalf of the respective parties as also considering the statements made in the application, I am of the opinion that sufficient reasons are not available explaining the delay in filing the application. However the same is allowed in the interest of justice.

Accordingly, the application for condonation of delay stands allowed.

CAN 1342 of 2020 is, thus, disposed of.  
There will be, however, no order as to costs.

**In Re: CAN 1325 of 2020**

This is an application for recall of the order dated 5<sup>th</sup> September, 2017 passed in the instant writ application for not attending the

Court when the matter was taken up for hearing.

Having heard the learned Advocate appearing on behalf of the respective parties as also considering the statements made in the application, I am of the view that sufficient grounds have been made out explaining the absence of the petitioner on 5<sup>th</sup> September, 2017. Hence, the said order dated 5<sup>th</sup> September, 2017 is recalled.

Accordingly, this application is disposed of.

**In Re: W.P. No. 1662 of 2000**

The writ petitioner is aggrieved by a notice dated 20<sup>th</sup> September, 1999 proposing sale of the immovable property in recovery of loans and advance taken by the petitioner from the Bank.

The movable property being a Matador has been sold. There is absolutely no valid explanation whatsoever as to why the immovable property being land and building has not been sold till date by the Katwa-Kalna Co-operative Agriculture & Rural Development Bank Ltd.

The counsel for the petitioner submits that that land could not be sold in view of the pendency of the writ application.

It appears from the records that the writ petition was dismissed twice earlier. Even when the writ petition was moved no stay was granted by the Court. The Court strongly deprecates failure on the part of the Co-operative Bank for not putting immovable property on sale.

Let a copy of this order be sent to the CGM, National Bank of Agriculture and Rural

Development at Royd Street in Kolkata and the Manager, Reserve Bank of India, Kolkata for necessary action.

The grievance of the writ petitioner against the notice dated 20<sup>th</sup> September, 1999 cannot be entertained by this Court. There are disputed question of facts and the remedy of the writ petitioner even otherwise available in the form of an arbitration under the provisions of WBCS Act, 2003 or its earlier versions.

In view of the above the writ petition fails and hereby dismissed.

Learned counsel appearing for the Bank submits that WPA 2505 of 2000, WPA 3491 of 2000 and WPA 2109 of 2003 filed on the self same cause of action are also pending. Let the aforesaid applications be listed on 23<sup>rd</sup> August, 2021.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

**(Rajasekhar Mantha, J.)**