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akb Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 935 of 2019

Syndicate Bank & Anr.

-Versus-

State of West Bengal & Ors.

Mr. Jagriti Mishra

Ms. Puja Bhupal

Mr. Utpal Saha

...For the Petitioner No. 2

Mr. Debabrata Dhar

Ms. Paramita Sahu

...For State Respondents

Mr. Deborshi Dhar

...For the Private Respondent

This is an application under Article 226 of the Constitution of India wherein the writ petitioners are aggrieved by the inaction on part of the District Magistrate in non-compliance of the order dated July 17, 2019 passed by a coordinate Bench of the High Court.

I have heard learned Counsel appearing on behalf of all the parties and perused the materials placed on record.

The relevant portion of the order passed on July 17, 2019 is delineated below :-

“In the circumstances, the impugned order dated 28th December, 2018 is quashed and set aside. The matter is remanded back to the District Magistrate to hear the pending application under Section 14 of the SARFAESI filed by the respondent bank expeditiously and in accordance with law.”

Learned Counsel appearing on behalf of the State fairly submits that a specific date may be fixed to hear the matter out by the District Magistrate.

Learned Counsel appearing on behalf of the borrower also submits that there are application pending

before the District Magistrate that have been made by his client. Accordingly, he prays that the applications may be taken up together.

In the light of the above submissions, I direct the District Magistrate, Jalpaiguri District, being the respondent No. 2 to act in accordance with law and hear out the pending applications under Section 14 of the SARFAESI and any other pending application filed by the borrower within a period of 30 days from the date of communication of this order upon the District Magistrate.

With the aforesaid observation, the writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Shekhar B. Saraf, J.)