

18.09.2020
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(PP)

WPA 5269 of 2020
(Via Video Conference)

Rabindranath Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Satrajit Singha Roy,
Mr. Tapan Roy

....for the petitioner.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas

.....for the State.

The petitioner's grievance in the writ petition is that the bank authorities have entered into the premises of the petitioner and have allegedly misbehaved with the petitioner and his wife. The petitioner says that they are bona fide purchaser of the property for valuable consideration that the property was mortgaged with the bank was not reflected in any document despite their due diligence. The authorised officer of the bank claiming the property to its security interest has taken possession of the property under the SARFAESI Act, 2002. The cloud over the petitioner's title and as to the vis-a-vis bank's right as security interest are disputed questions of fact which cannot be gone into in this writ petition. So far as the complaint said to have been lodged by the petitioner against the bank personnel for alleged misbehaving with the petitioner

and his wife after entering into the premises is concerned, the advocate for the State submits that necessary steps have been taken for registering the complaint and, in fact, a charge sheet has already been filed.

In the aforesaid facts and circumstances, nothing remains further to be adjudicated in the writ petition. The same is disposed of without any order as to costs.

Since no affidavits have been called for, allegations made in the writ petition are deemed to be not admitted by the respondents.

(Arindam Mukherjee, J.)