

(18)
30.09.2020
(p.jana)

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

(Via Video Conference)

**WPA 6516 of 2020
With
IA No : CAN 1/2020 (Old No : CAN 5218 of 2020)**

**Manas Nayek & anr.
-versus-
Paschim Banga Gramin Bank & ors.**

Ms. Priyakshi Banerjee,
Mr. Shamit Sanyal,
Mr. Shahana Naznin,
... for the petitioners.

Mr. Baidurya Ghosal,
... for the Bank-respondents.

The petitioners defaulted repaying the loan of the respondent/Bank, as such, pursuant to an action under the provision of the Securitisation and Reconstruction of Financial Assets and Enforcement of Interest Act, 2002, the mortgage property was put into auction.

The petitioners by the instant writ petition are praying that an opportunity may be given to them to settle the outstanding amount with the Bank.

Mr. Ghosal, learned counsel appearing for the Bank, submits that the writ petition has become infructuous in as much as the mortgaged property has already been sold to the highest bidder in auction and the Sale Certificate has been issued that apart, he raises the question of maintainability of the writ petition.

I find substance the submission of Mr. Ghosal.

The writ petition is dismissed as it has become infructuous and also on the ground that it is not maintainable.

The connected application being CAN 5218 of 2020 is also disposed of.

However, there shall be no order as to costs.

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

(Biswajit Basu, J.)