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22.02.2021.
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**W.P.A. No. 301 of 2021
(Via Video Conference)**

**State Bank of India & Anr.
-vs.-
The State of West Bengal & Ors.**

Mr. Indrajit Bhattacharjee
...for the petitioners

Mr. Srijib Chakraborty
...for the respondent no. 2

The petitioner-bank contends that, despite an order having been passed by the concerned District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the respondent no. 3, the Deputy Magistrate and Deputy Collector, who was conferred with the task of taking possession with police help, on behalf of the District Magistrate, is not taking appropriate steps in the matter.

Despite service, only the respondent no. 2 is represented in Court today along with learned counsel for the petitioners.

Affidavit-of-service filed today be kept on record.

Learned counsel for the respondent no. 2 indicates that the State-respondents have assured all

cooperation in the matter. Apparently the respondent no. 3 returned from the act of taking possession in view of the subsistence of certain other orders passed by civil courts.

However, there is no representation on the part of the respondent no. 3 to substantiate such stand.

In any event, the District Magistrate is the authority under law to issue an order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act and, in the present case, such an order being in force, there is no scope for the respondent no. 3, who acts only under the authority of the District Magistrate, to resile from such direction or independently take a decision thereon.

Accordingly, W.P.A. No. 301 of 2021 is disposed of by directing the respondent no. 3 to take possession of the disputed premises, with the assistance of the respondent no. 2, as early as possible but positively within three weeks from the date of communication of this order to respondent no. 3.

All parties shall act on the communication of the learned advocates and/or server copy of this order, without insisting upon prior production of certified copy.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)