

19.02.2021

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W.P.A. 3173 of 2021

Aparna Jana
Vs.
The State of West Bengal & ors.

Mr. Manoranjan Jana
Mr. Sanjay Saha
... for the petitioner

Mr. Srijan Nayek
Mr. Ankit Sureka
Mr. Partha Sarathi Pal
... for the State

Mr. Madan Mohan Roy
... for the respondent nos.2 to 6

The grievance of the petitioner is directed against a public auction notice dated 12th March, 2020. The petitioner had originally taken a loan of Rs.6 lacs from the respondent-bank. In view of the default committed by the petitioner, the bank had initiated appropriate proceedings for recovery of the dues.

I find from the records of this case that on an earlier occasion, 9th December, 2019, this Court had dismissed an earlier writ petition being W.P. No.20617(W) of 2018 filed by the petitioner on the ground that the petitioner had an alternative efficacious remedy under the 2006 Act. The present petition has been filed on the basis of the selfsame proceeding, which had been

initiated by the respondent-bank covering the very same loan which had been granted to the petitioner.

In view of the order dated 9th December, 2019 and the alternative efficacious remedy available to the petitioner, I am not inclined to interfere in this matter.

W.P.A. 3173 of 2021 is dismissed on the ground of maintainability.

Liberty is granted to the petitioner to approach the alternative forum under Section 122 of the West Bengal Co-operative Societies Act, 2006 if so permitted in accordance with law.

(Ravi Krishan Kapur, J.)