

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Through Video Conference)

WPA 5638 of 2021

Jagai Majhi @ Jagannath Majhi
Vs.
The State of West Bengal & Ors.

Ms. Juin Dutta Chakraborty
... For the petitioner

Mr. Sanjib Das
... For the respondents no.2 to 4

The petitioner had deposited a sum of Rs.1,00,000/- on 25th March, 2021 in terms of the order dated 22nd March, 2021. The petitioner was required to pay the balance sum of Rs.6,27,789/- within three weeks from 26th March, 2021. The aggregate payment of Rs.7,27,789/- (Rs.1,00,000/- + Rs.6,27,789/-) was the principal sum which the petitioner owed to the respondent no.3, being Baltikuri Co-operative Bank Limited.

The petitioner, by the order dated 22nd March, 2021, was given a breathing space to pay the principal sum despite there being admitted default on the part of the petitioner in repaying the loan availed by him from the respondent no.3 considering the fact that the property in question sought to be sold by the respondent no.3 for realising its unpaid dues was the dwelling house of the petitioner.

The petitioner, till date (20.04.2021), has not paid any money over and above the sum of Rs.1,00,000/- paid on 25th March, 2021. The petitioner's conduct is not appreciated. The discretion shown by the Court has not been honoured.

In the facts and circumstances as aforesaid, the petitioner is not entitled to any further protection.

The respondents shall be free to proceed with the sale of the petitioner's property as indicated in the notice dated 28th January, 2021 in modification and/or variation of the order dated 7th April, 2021 wherein the sale of the petitioner's property as indicated in the notice dated 28th January, 2021 was directed to be kept in abeyance till 23rd April, 2021.

The writ petition is, therefor, dismissed, however, without any order as to costs.

The respondents shall take into account the payment of Rs.1,00,000/- made by the petitioner on 25th March, 2021 while appropriating the sale proceeds that may be realised from the sale of the petitioner's property.

Nothing further remains to be adjudicated in this writ petition.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

All parties to act on a server copy of the order without insisting upon the certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)