

26.07.2021.
Item no. 124.
Court No.13
ap

**W.P.A. No. 11251 of 2021
(Through Video Conference)**

**Sri Subrata Kumar Ghosh & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Ranjan Kali,
Mr. Debasish Ghosh.

..For the petitioners.

Md. T.M. Siddiqui,
Mr. D. Ghosh.

...For the State.

The writ petitioners are aggrieved by an order dated 19th January, 2017 passed by the District Magistrate, Burdwan under the provisions of Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFEASI Act, 2002). It is submitted that the petitioners have come to know of the order in May, 2021 when police officials came to take possession of the said secured assets.

The order is assailed on the ground that the District Magistrate, Burdwan has authorized the Bank directly to receive possession of the property from the Superintendent of Police, Burdwan. It is argued that the secured creditors can get possession of the assets only from the Executive Magistrate.

While this Court does not see the requirement, as pleaded by the Counsel for the petitioners, the

compliance of process and procedure for handing over possession of the secured assets can and still be done.

It would, therefore, be premature for the petitioners to pre-empt any order or any process that is going to take place and assail the same on non-existing grounds.

Even otherwise, since the petitioners have effective alternative remedy under the Debts Recovery Tribunal under Section 17 of the SARFEASI Act, 2002, this Court is not inclined to entertain the writ petition.

Hence, the instant writ petition shall stand dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)