

09.09.2021
Ct. No.13
Sl. No.116
akd

W.P.A. 13086 of 2021 *[via video conference]*

[Sk. Shamshuddin Ali -Vs- The State of West Bengal & Ors.]

Mr. Nilanjan Bhattacharjee
... .. for the petitioner

Mr. Shiv Mangal Singh
... for respondent no.5

Mr. Ashim Kumar Ganguly
Mr. Bellal Shaikh
... .. for the State

The writ petitioner is aggrieved by a notice of the bank requiring symbolic possession to be taken of the secured assets. The said assets comprise in a rice mill and two residential houses. There are proceedings pending instituted by the writ petitioner against an insurance company towards a claim on account of a fire accident which allegedly took place in the said rice mill. The writ petitioner has also instituted S.A.349 of 2015 challenging the actions of the Bank before the Debts Recovery Tribunal, Kolkata. The same is dismissed for default and an application for restoration thereof is pending.

The petitioner prays before this court that the bank should be directed not to take possession of the residential house units. The petitioner has already availed remedies under the SARFAESI Act, 2002.

A writ court does not interfere with the proceedings instituted by a bank under the provisions of the SARFAESI Act, 2002 when no statutory rights appear to have been violated nor there has been any violation of principles of natural justice.

In that view of the matter, the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)