

10.09.2021

Ct. No.13

Sl. No.92

akd

W.P.A. 13187 of 2021 [via video conference]

***[Aditya Birla Housing Finance Limited & Anr. -Vs- The Commissioner of Police,
Kolkata & Ors.]***

Mr. Sagar Bandyopadhyay

Mr. Soumana Mukherjee

... .. for the petitioners

Mr. Subhabrata Datta

... .. for the State

Despite service of notice, private respondents are not represented. Affidavit-of-service filed in court is taken on record.

The writ petitioner no.1 complains that on an application under Section 14 of the SARFAESI Act, 2002, the District Magistrate, South 24-Parganas has ordered assistance to the writ petitioner no.1 to take possession of the secured assets. The Commissioner of Police and the District Magistrate, South 24-Parganas have also been asked to direct the local police station to provide assistance to the writ petitioner no.1 to take possession and to ensure that there is no law and order problem in the area. It is submitted that despite notice the Gariahat Police Station has not assisted the writ petitioner no.1.

Learned counsel for the State submits that the Gariahat P.S. had received notice of T.S. No. 869 of 2021 and Misc. Appeal No. 138 of 2021 in which the District Judge-in-charge, Alipore, South 24-Parganas had enjoined the writ petitioner no.1 from interfering with possession in respect of the said property.

Learned counsel for the writ petitioners produces a copy of the order dated 1st September, 2021 passed in C.O. 1463 of 2021 wherein a coordinate Bench has stayed operation of the

order dated 5th August, 2021 passed by the learned District Judge-in-charge in Misc. Appeal No. 138 of 2021 arising out of T.S. No. 869 of 2021.

In that view of the matter, there is no impediment in executing the order of the District Magistrate under Section 14 as above.

The Officer-in-charge, Gariahat Police Station shall as expeditiously as possible after communication of this order render all assistance and provide sufficient force to the writ petitioner no.1 to take possession of the secured assets. The costs of the police protection shall be borne by the writ petitioner no.1.

The aforesaid exercise is to be completed by the Gariahat Police Station on 23rd September, 2021 at 11:00 A.M. or any nearby date subject to the convenience of all parties.

With the aforesaid observations, the writ petition is disposed of.

The order dated 1st September, 2021 (supra) is taken on record.

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.)