

31.08.2021
Ct. No.13
Sl. No.140
akd

W.P.A. 13021 of 2021 [via video conference]

[Ajay Bhalotia -Vs- The Learned District Magistrate & Ors.]

Ms. Aparajita Rao
Mr. Saket Chowdhury
... .. for the petitioner

Mr. Sagar Bandyopadhyay
Mr. Amit Kumar Nag
Ms. Ranjabati Ray
... .. for the respondent no.3

The writ petitioner is aggrieved by the action of the Sub-Divisional Officer in attempting to take possession of his property pursuant to orders passed by the District Magistrate under Section 14 of the SARFAESI Act, 2000.

Admittedly, the writ petitioner is the joint owner of certain flats in a building and had mortgaged the same to secure loans and advances, inter alia, to the principal borrowers. The petitioner submits that he has not executed any documents with the financial institutions whatsoever and has repeatedly sought for copies of the same.

Since the writ petitioner has an effective alternative remedy under Section 17 of the Act of 2002, the petitioner may approach such Tribunal in accordance with law. Counsel for the respondent financial institution has supplied copies of loan documents as available in court today. The second creditor does not admit that the petitioner did not have such documents.

The writ petition shall stand dismissed with liberty however, reserved to the writ petitioner to approach the Debts Recovery Tribunal on the selfsame cause of action, if otherwise maintainable, inter alia, on the ground of limitation.

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.)