

Sl. No. 441  
**01.12.2021**  
Court No. 2  
Sourav

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Appellate Jurisdiction**

**W.P.A. 1211 of 2021  
(Via Video Conference)**

**Uttam Roy & Ors.  
Vs.  
State bank of India & Ors.**

**Mr. Tapas Kumar Bhattacharya  
Mr. Dipankar Sen  
Mr. Sukanto Sarkar  
Ms. Payel Choudhury**

**...For the Petitioner.**

**Mr. Milindo Paul  
Ms. Bedashruti Bose**

**...For the State Bank of India.**

The petitioners claim to be subsequent transferee of a plot of land which is the subject matter of recovery proceeding before the Debts Recovery Tribunal ("DRT").

It is submitted on behalf of the petitioner that the petitioner had purchased a plot of land measuring approximately 2 Cottahs 5 Chittaks being plot no. 469 from one Jaya Chakraborty. The petitioner also relies on a sale deed to contend the land of the petitioner cannot be the subject matter of recovery proceeding which has been initiated before the Debts Recovery Tribunal in RC Case No. 38 of 2020.

The respondent-bank is represented and submits that the petitioner has an alternative, efficacious statutory remedy under the provisions of the Act and

ought to have taken appropriate steps under Section 30 of the said Act.

On merits, it is submitted on behalf of the respondent-bank, that the aforesaid premises has been mortgaged by the said Jaya Chakraborty to other third parties. It is also submitted that there is a chain of sale transactions in respect of the subject premises which has been deliberately suppressed to create confusion and an illusion.

I have heard the parties.

I am of the view that this petition is not maintainable since the petitioner has a statutory alternative remedy and ought to have filed an appropriate proceeding under the provisions of the aforesaid Act before the Tribunal.

In view of the aforesaid, this petition is dismissed on the ground of petitioner having an alternative remedy.

Accordingly, WPA 1211 of 2021 stands dismissed.

However, there shall be no order as to costs.

**(Ravi Krishan Kapur, J.)**