

01.04.2022
Court No.13
Item No.27
AP

WPA 4359 of 2022

**IIFL Home Finance Limited
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Kajal Ray

... For the Petitioner.

Mr. Pantu Deb Roy, A.G.P.
Mr. Anand Farmania

... For the State.

The petitioner is aggrieved by the fact that the Eco Park Police Station has put padlock on the secured asset, which they have done to enforce the provisions under Section 14 of the SARFAESI Act, 2002. It is submitted that the concerned District Magistrate had ordered on 19th September 2019, under Section 14 of the SARFAESI Act, 2002 for possession of the secured asset to be given to the petitioner.

It appears that since thereafter, an occupant tenant of the secured asset had filed a civil suit being TS No.60 of 2021, in which an order of injunction was passed, directing the defendants against effectuating possession thereof. The petitioner has been served notice of the order by a communication dated 31st October 2021.

In that view of the matter, this Court notices that the petitioner has also suppressed materials on record to this Court.

Hence, the writ petition shall stand dismissed, with liberty reserved to the petitioner to take appropriate steps as may be advised in the pending civil suit.

The instructions of the Inspector-in-Charge, Eco Park Police Station, Bidhannagar Police Commissionerate dated 14th March 2022 along with annexures is kept with the record. A copy of the same may be handed over to the learned counsel for the petitioner along with annexures.

This Court, therefore, sees absolutely no inaction on the part of the police. The petitioner is hereby warned against making wild allegations against the police.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)