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Ct. 18
31.03.2022

C.O. No. 549 of 2022

**The Authorized Officer, DCB Bank Limited &
Anr.
Vs.
Dinesh Kumar Goswami & Anr.**

Mr. Prasit Deb,
Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh ... For the petitioners.

The revisional application under Article 227 of the Constitution of India is directed against the order dated December 20, 2021 passed by the learned Chief Judicial Magistrate, Howrah in Misc. Case No. 611 of 2021.

The opposite parties did not comply with the demand notice of the petitioners under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

In pursuance whereof, the petitioners, to take possession of the secured assets, filed an application under Section 14 (1) of the said Act of 2002 before the learned Chief Judicial Magistrate, Howrah.

The said application has been registered before the said Court as the aforesaid Misc. Case No. 611 of 2021.

The grievance of the petitioners is that by the order impugned the learned Chief Judicial Magistrate, Howrah has transferred the said application to the 2nd Court of learned Judicial Magistrate, Howrah, which has no jurisdiction to entertain the said application.

In view of the scope and scheme of Section 14 of the said Act of 2002, service of notice of the present

revisional application upon the opposite parties is dispensed with.

Learned counsel for the petitioners submits that apart from Chief Metropolitan Magistrate or the District Magistrate as provided in Section 14 of the said Act of 2002, by virtue of the judgment of the Hon'ble Supreme Court in the case of **Authorised Officer, Indian Bank vs. D. Visalakshi & Anr.** reported in **(2019) 20 Supreme Court Cases 47**, the Chief Judicial Magistrate is competent to deal with an application under Section 14 of the said Act of 2002.

Except the authorities mentioned in Section 14 of the said Act of 2002, only the Chief Judicial Magistrate by virtue of the aforesaid judgment of the Hon'ble Supreme Court is competent to deal with such application.

The learned Chief Judicial Magistrate, Howrah therefore, has acted with material irregularity in transferring the said Misc. case to the 2nd Court of learned Judicial Magistrate, Howrah.

The order impugned is therefore, set aside.

The learned Chief Judicial Magistrate, Howrah is directed to dispose of the said Misc. case as expeditiously as possible in accordance with law.

C.O. 549 of 2022 is allowed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)

