

S/L 52
15.06.2022
Court. No. 19
GB

WPA 7479 of 2022

Smt. Niva Nani Biswas
VS
The State of West Bengal & Ors.

*Mr. Amar Nath Sen,
Mr. Moloy Dhar,
Mr P.K. Ghosh,
Mr. Amit Bikram Mahata.*

...for the Petitioner.

*Mr. Ansar Mandal,
Mr. Sougata Mitra.*

...for the State.

*Mr. S. Pal Choudhuri,
Ms. Diya Nandi.*

...for the Respondent Bank.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner complains of police inaction. It is the allegation of the petitioner that in a SARFAESI proceeding the petitioner was forcefully ousted by the bank authorities with the aid and help of the police authorities. According to the petitioner, the flat was wrongfully described and as such, the bank authorities under a mistake had taken away the property of the petitioner. A direction is being prayed for upon the police authorities to break open the lock, fixed by the bank and put the petitioner back in possession.

The bank authorities oppose such allegation and submit that pursuant to a SARFAESI proceeding and orders of the District Magistrate, possession was taken of Flat No.F1, first floor, Premises No.27, Kanungo Park in the south side measuring about 750 sq. ft., Kolkata-700084.

It is the contention of the petitioner that the bank authorities were allowed to take possession in terms of an order under Section 14 of the SARFAESI Act, with police help. Reference is made to the deed of the petitioner, from which it appears that the description and size flat of the petitioner as mentioned in the deed is different. Further reliance has also been placed in the order of the learned District Consumer Disputes Redressal Forum, in which the description of the flat of the petitioner is different from the one which has been taken over by the State Bank of India.

The petitioner submits that there are mistakes in the deed and also in the order and steps have been taken for rectification.

However, records, which have been submitted by the bank indicate that the bank has taken possession of Flat No.F1, first floor, Premises No.27, Kanungo Park in the south side measuring about 750 sq. ft., Kolkata-700084, which the petitioner claims to be her flat.

This dispute cannot be resolved either by this Court or by the police authorities. The police authorities only acted on the basis of the direction of the District Magistrate. The grievance of the petitioner cannot be redressed by this Court. However, the petitioner is at liberty to approach the bank with such grievances and the bank will dispose of the same within a period of two months from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)