

13.07.2022
Ct. 5
D/L 22
ab

WPA 11966 of 2021
With
IA No. CAN 1 of 2022

Md. Rahmat
-Vs-
District Magistrate (DM), South 24 Parganas & Ors.

Mr. Rabiuddin Ahmed,
Ms. Rikita Bengani,
Md. Afsar

... for the petitioner

Mr. Sirsanya Bandopadhyay,
Ms. Deboleena Ghosh,
Mr. Rahul Kumar Singh,

... for the applicant

Ms. Parna Roy Chowdhury
... for the respondent no.5/respondent Bank

Mr. Rajarshi Basu,
Ms. Karabi Roy

... for the State

After hearing the preliminary submissions of learned counsel appearing for the petitioner and the respondent Bank, it appears that the petitioner has already gone before the DRT-3 by way of an application in 2019. The petitioner hence cannot take the plea of the DRT-3 not functioning by reason of cease-work or seek an interim order call for from the Writ Court for that reason.

Learned counsel appearing for the party, who intends to be added, submits that the sale has already been confirmed in favour of an auction purchaser. Counsel seeks to intend to be added as a party in the writ petition.

After hearing learned counsel, this Court is of the view that there is no urgency in the writ petition for any preventive interim orders. Cease-work before the DRT-3 is from 1st week of June, 2022 and is presently continuing. Since the petitioner has already filed an application before the DRT-3, nothing prevents the petitioner from continuing with the said application and praying for appropriate orders before the DRT-3.

WPA 11966 of 2021 is disposed of in terms of the above.

Re: CAN 1 of 2022

CAN 1 of 2022, which is for addition of party, shall be filed before the DRT-3 for appropriate orders.

CAN 1 of 2022 is also disposed of in terms of the above.

(Moushumi Bhattacharya, J.)