

01.07.2022
Ct. 5
D/L 7
ab

WPA 12540 of 2022

Goutam Biswas & Anr.

-Vs-

Corporation Bank & Ors.

Mr. Anindya Bose,
Mr. Asok Banerjee,
Mr. Diptendu Mandal,
Mr. Nikhil Kr. Gupta,
Mr. Arindam Paoli,

... for the petitioners

Ms. Usha Doshi,
Ms. Priyanka Gope,

... for the respondent no.1

Mr. Subotosh Dhar,
Mr. Nayeemuddin Munshi,

... for the respondent no. 2 Indian Bank

Ms. Sonal Sinha,
Ms. Sangeeta Roy,

... for the State

The short fact in the present case is that the concerned Bank issued a notice of possession against the petitioners in respect of a mortgage property in July, 2021. The notice of possession was followed by an order of District Magistrate, South 24-Parganas of April, 2022. The petitioners applied for stay of the proceedings in June, 2022. DRT-3 is admittedly not functioning since the beginning of June, 2022 by reason of cease-work by the members of the Bar. The order annexed to

the writ petition shows that the matter was pending before the DRT-3 as of 16th February, 2022.

There shall hence be a direction on the respondent Bank not to take any steps against the petitioners till one week after the cease-work is lifted. The respondent Bank shall, however, be at liberty for mentioning the matter before any other Bench of the DRT in the meantime, which is functioning. If the matter is taken up by the other Bench, the stay shall operate till the orders are passed by that Bench.

It is made clear that this Court has not gone into the merits of the case.

WPA 12540 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)