

Ct. 05
Item No.29
06.07.2022
(suvendu)

WPA 12850 of 2022

Tarulata Kundu
Vs.
UCO Bank & Ors.

Mr. Mani Sankar Chattopadhyay
.....for the petitioner

Ms. Ameena Kabir
....for the respondent nos. 1 to 3

The affidavit of service is taken on record.

The present petition is for a direction on the respondent authority, being the UCO Bank, not to sell the scheduled premises of the petitioner.

The petitioner, through her learned counsel, submits that the petitioner does not want any stay of the SARFAESI proceedings which have already been invoked by the Bank and that the Bank should also be directed to pay the balance amount to the petitioner after selling the property-in-question.

The Bank is represented.

Admittedly, the SARFAESI proceedings were invoked in 2012 and the Notice under

Section 13(2) of the Act was issued in 2018. It also appears from the submissions that a Suit is presently pending before the Alipore Court where a declaration has been sought for in respect of the nature of the property-in-question. The Sale Notice is of 04.09.2021. The present petition has been filed on 28.06.2022. The averments further indicate that the petitioner was all along aware of the paper publication for selling the property-in-question. Hence, the petition suffers from inordinate and unexplained delay. There is also no explanation as to why the petitioner has not filed appropriate proceeding before the Debt Recovery Tribunal which is the designated forum under the Act of 2002. The relief prayed for, namely a direction on the Bank to pay the balance amount to the petitioner, is not supported either by facts or in law.

In view of the above, this Court is constrained to dismiss the writ petition for want of any merit.

WPA 12850 of 2022 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)