

06.01.2022
Court No.13
Item No.43
AP

WPA 13752 of 2021

**Aditya Birla Finance Limited and Anr.
Vs.
Commissioner of Police, Kolkata Police and Ors.**

(Through Video Conference)

Mr. Sagar Bandopadhyay
Mr. Amit Kumar Nag
Mr. Soumava Mukherjee

... For the Petitioners.

Mr. Amitesh Banerjee, Senior Advocate

... For the Respondents.

The writ petitioners are aggrieved by the fact that the Officer-in-Charge, Tollygunge Police Station did not render appropriate assistance to the SDO in carrying out an order of the District Magistrate, South 24-Parganas under Section 14 of the SARFAESI Act, 2002.

It appears from the record that the Executive Magistrate had gone to take possession of the secured asset which is a flat lying in the 3rd floor of a building situated in 16, Janak Road, Police Station- Tollygunge, Kolkata 700029.

The main gate of the building which houses many other flats, appears to have been locked.

This Court is unable to appreciate as to why a building with many flats and persons residing therein

should remain locked and prevent ingress and egress of other persons.

In that view of the matter, the Officer-in-Charge, Tollygunge Police Station shall render all assistance to the Executive Magistrate in taking physical possession of the said secured asset.

The Officer-in-Charge, Tollygunge Police Station, if necessary, shall break open any padlock and remove any obstruction in the process of taking physical possession of the secured asset. Upon taking such possession, the Officer-in-Charge, Tollygunge Police Station shall hand over the asset to the Executive Magistrate who in turn shall hand over the same to the writ petitioners.

It is expected that the aforesaid order is carried out within a period of ten days from date.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)