

14.07.2022
Ct. 5
D/L 12
ab

WPA 14391 of 2022

Debdas Dutta

-Vs-

Union of India & Ors.

Mr. Pratip Mukherjee,
Mr. Omar Faruk Gazi,

... for the petitioner

Mr. Avispa Sarkar,

... for the Union of India

Ms. Parna Roy Chowdhury

... for respondent Bank

The limited protection sought for by the petitioner is for an interim stay of an order passed by the District Magistrate, North 24 Parganas on 30th May, 2022 allowing the authorized officer of the Bank to take possession of the secured assets of the petitioner.

Learned counsel appearing for the petitioner submits that an application filed before the DRT-3 in March, 2022 is pending as on date. Counsel also submits that the petitioner has not filed any application against the order of the District Magistrate dated 30th May, 2022.

The respondent Bank and the Union of India are represented. It is not clear why the Union of India is made a party to the writ petition.

Learned counsel appearing for the respondent Bank submits that the sale of the secured assets of the petitioner has already taken place and the auction purchaser is required to be added to the proceeding.

Having regard to the fact that the cease-work before the DRT-3 is continuing as on date, the petitioner is entitled to a limited protection. The respondent Bank is restrained from taking any coercive action against the petitioner until one week after the cease-work before the DRT-3 is resolved. This order is made subject to the petitioner filing an appropriate application before the DRT-3 within four days from today and upon relevant information being furnished by the respondent Bank in course of today.

WPA 14391 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)