

S/L 5
02.08.2022
Court. No. 19
GB

WPA 15023 of 2022

State Bank of India
VS
The State of West Bengal & Ors.

Mr. Pijush Kanti Ray,
Mr. Soujanya Bandyopadhyay.

...for the Petitioner.

Mr. Tansif Ahmed Khan.

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.6 to 9.

The petitioner is the bank, a secured creditor. The petitioner prays that a direction be issued upon the police authorities to provide police assistance in term of the order of the District Magistrate, North 24 Parganas, passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act').

It appears that police costs, amounting to Rs.64,263/- has been deposited under T.R. Form No.7 in the Barasat Treasury –1. The money has been paid in favour of the Superintendent of Police, Barasat Police District.

It is contended that the order passed by the learned Magistrate under Section 14 of the SARFAESI Act, has neither been challenged nor set aside by any court or forum.

Under such circumstances, the petitioner prays for a direction upon the police authorities to render police

assistance on the basis of the costs, already deposited. The petitioner has also approached the learned Executive Magistrate and the Superintendent of Police with such requests.

The Superintendent of Police, Barasat Police District is directed to dispose of the representation of the petitioner dated June 14, 2022 and take necessary steps in accordance with law, unless the Superintendent of Police is satisfied that the order passed by the District Magistrate on December 14, 2021 has either been stayed or vacated by a competent court of law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)