

28.03.2022
Court No.13
Item No.56
AP

WPA 16550 of 2021

**M/s Kalighat Society for Development Facilitation,
represented by its Secretary, Smt. Gitanjali Satpathy
Vs.
The District Magistrate, South 24 Parganas and Ors.**

(Through Video Conference)

Mr. Rachit Lakhmani
Ms. Soumi Guha Thakurta

... For the Petitioner.

Mr. Basudeb Mukherjee
... For the Bangiya Gramin Vikash Bank.

The writ petitioner society office was housed in a flat at 57A, Gurupara Halder Road, Kolkata- 700026. A flat unit being No.105 in the said society came to be charged to the Bangiya Gramin Vikash Bank. The bank, in enforcement of its security interest, took possession of the flat under Section 14 of the SARFAESI Act. A list of the articles inside the said flat was inventoried. It appears that the deponent of the writ petition, Gitanjali Satpathy was residing in the flat as secretary of the society.

The society merely wants return of the movable goods, strictly in terms of the inventory prepared by the authorized officer of the bank.

In that view of the matter, the authorized officer of the bank shall hand over the articles, goods and papers mentioned in the inventory list attached to the writ petition at page 25 of the writ petition to the President, Secretary and two members of the society.

It is submitted that one such article seized was a locked almirah. Handing over of keys to the almirah would be sufficient handing over of the contents of the almirah since the same has not been opened.

Upon handing over of the articles, papers and goods as mentioned in the inventory list attached to the writ petition, the bank shall be completely discharged from any claim whatsoever of the society or its office bearers towards any movable goods that was stored inside the premises. After hand over of the goods as stated hereinabove, the bank shall be absolutely free to take further steps under Section 13 of the SARFAESI Act in accordance with law.

The officer-in-charge, Kalighat Police Station shall depute an appropriate person to be present at the time of handing over of the aforesaid goods and articles to the society as indicated hereinabove.

It is expected that the aforesaid exercise would be completed within a period of fifteen 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.)