

Ct. 05
Item No.11
27.09.2022
(Suvendu)

WPA 19980 of 2022

**Chandra Shaw
Vs.
The District Magistrate,
Purba Bardhaman & Ors.**

Mr. Anubhav Sinha
Mr. Radhey Sayam Tiwari
.....for the petitioner

Mr. Dipankar Das
.....for the respondent no.4/Bank

Learned counsel appearing for the petitioner submits that at the time of filing of the writ petition, DRT –II was not functioning but that DRT –II has since started functioning and the petitioner has already gone before the said Bench by way of an application.

The only prayer is that the petitioner's Rice Mill situated at Plot No. 3306 of a particular area at Memari, Purba Bardhaman should be given unobstructed ingress and egress.

From the submissions of learned counsel appearing for the respondent Bank, it also appears that Plot No. 3306, which forms the immediate concern expressed by the petitioner, is not part of the order passed under Section 14 of the

Securitization Act, 2002 by the District Magistrate. Admittedly, 3306 is not a part of the security interest of the Bank. Hence, this Court is of the view that the petitioner should be given some form of relief with regard to this plot.

With regard to Plot Nos. 1229 and 3305, since they are admittedly part of the order of the District Magistrate, the petitioner shall be at liberty of seeking relief with respect to the same before the DRT –II.

In the meantime, as also agreed on behalf of the Bank, the petitioner's ingress and egress should not be obstructed by the Bank through the available approach road which forms part of the sketch map being annexure P-3 of the writ petition.

WPA 19980 of 2022 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)