

S/L 9
17.02.2022
Court No.13
SD

WPA 20823 of 2021
(Via Video Conference)

Sri Jay Shaw
Vs.
State of West Bengal & Ors.

Mr. Prabir Kumar Ghosh
Mr. Mit Guha Roy

...for the Petitioner.

Mr. Pantu Deb Roy
Mr. Anand Farmania

...for the State.

Ms. Aparajit Ghosh

...for the Canara Bank.

The writ petitioner is aggrieved that his bus that was under hypothecation to the Canara Bank has been wrongfully seized by the recovery agents and put up for sale and sold in auction.

Counsel appearing on behalf of the Bank submits that the petitioner's loan account had become non-performing asset (NPA) on December 18, 2020 and steps have taken as per the terms and conditions of the loan.

However, it appears to this Court that the recovery agents have seized the vehicle midway and without notice on September 13, 2021.

To that extent, the petitioner may initiate appropriate proceedings after ascertaining facts under Section 156(3) of the Code of Criminal Procedure.

Insofar as, the agreement between the petitioner and the Canara bank is concerned, the same is under the private

loan agreement and has got no public element attached and this Court cannot entertain into the same.

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

The report of the Officer-in-Charge, Anandapur Police Station dated January 3, 2022 filed by the counsel appearing on behalf of the State be kept with the record.

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.)