

27.09.2022
sayandeep
Sl. No. 19
Ct. No. 05

WPA 20518 of 2022

Uday Chand Das
-Versus-
Central Bank of India & Ors.

Mr. Siddhartha Banerjee
Mr. Emon bhattacharya
Ms. Pooja Sah
Ms. Jyoti Routh

..... for the petitioner

The petitioner seeks a direction on the respondent authorities not to restrain the petitioner from entering into a property situated at Burdwan pending a decision in the appeal filed by the respondent Bank before the DRAT. The petitioner challenged an order passed by the District Magistrate under Section 14 of the Securitisation Act, 2002 and obtained a favourable order in 28th July, 2022. The respondent Bank challenged the said order before the DRAT on 15th September, 2022.

According to learned counsel appearing for the petitioner, the respondent Bank has not been able to obtain a stay into the appeal till date and the petitioner has been without a place of residence for the last six years. Counsel accordingly seeks a direction from this Court for restoring possession to the petitioner.

Learned counsel appearing for the Bank submits that the application for stay will be filed in the coming

week before the DRAT. It is also submitted that the appeal is due to be heard on 12th January, 2023.

Upon hearing learned counsel and considering the fact that the petitioner has already invoked an exhausted statutory remedy available to the petitioner against the impugned action of the Bank, the Writ Court cannot interfere in the matter. This is all the more so since an order of restoration may pre-judge the fate of the appeal. The petitioner has also remained out of possession for the last six years. However, as an equitable measure in the nature of relief, the DRAT is directed to list the appeal in the 2nd week of November, 2022. The respondent Bank is directed to take necessary steps in that regard and communicate the date of hearing of the matter to the petitioner. The petitioner shall urge all points before the DRAT. It is also expected that the Bank will take out an application for stay of the order of the DRT by the end of this week, i.e., 30th September, 2022.

WPA 20518 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)