

23-11-2022
ct no. 13
Sl.18
pk

WPA 23014 of 2022

Papiya Majumder

-Versus-

The State of West Bengal & Ors.

Mr. Satyabrata Chakraborty,
Mr. Saurabh Guhathakurata,
Ms. Rituparna Ghosh,
Ms. Prabhleen Bharara

....for the petitioner

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar

...for the State.

Despite service of notice, Bank is not represented.

Affidavit of service filed in Court is taken on record.

The writ petitioner complains that the respondent/Indian Bank is sending goons and hoodlums to obtain repayment of sums of money obtained by the petitioner and her late husband.

It appears from the submissions of the State that the notice under Section 13(2) of the SARFAESI Act, 2002 has been instituted. There are admittedly sums of money due and payable by the petitioner to the Indian Bank.

The Bank shall take steps as may be permitted under the SARFAESI Act and shall not resort to any illegal means for recovery of their dues from the petitioner.

The SARFAESI proceeding instituted by the Bank may continue in accordance with law. The petitioner may seek any remedy that she may have against the Bank under Section 17 of the said Act before the Debts Recovery Tribunal.

The O. C., Raniganj Police Station shall ensure that the petitioner is not threatened or intimidated by any person. They shall also ensure that there is no breach of peace.

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

There will 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.)