

10.11.2022

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Sl. No. 05

Ct. No. 05

WPA 23379 of 2022

Dinesh Agarwal

-Versus-

State of West Bengal & Ors.

Mr. Dinesh Agarwal

..... petitioner-in-person

Mr. Prantik Gorai

....for the State

Mr. Kamalesh Bhattacharya

Mr. Triptimoy Talukdar

Ms. Purbali Dutta

..... for the added respondent

The petitioner appears in-person and challenges the action on the part of the Bank in dispossessing the petitioner and conducting an auction of the property in which the petitioner resides with his family sometime in October, 2022. The petitioner is not the borrower but claims to be the *bona fide* purchaser of the property and relies on documents to show that the petitioner has been residing in the said property and paying all statutory dues as a consequence thereof. The petitioner is further aggrieved by an order passed by the District Magistrate sometime in July, 2022 which the petitioner claims to have been passed without notice to him. The petitioner submits that the petitioner has not been served with the copy of the order till date.

This Court is mindful of the fact that the petitioner has a statutory alternative remedy available to him before

the Debts Recovery Tribunal. The petitioner can approach the Tribunal under the SARFAESI Act, 2002.

Since the petitioner is appearing in-person and claims ignorance of both the order, the available statutory remedy and the Court processes which are available to him, WPA 23379 of 2022 is disposed of with liberty to the petitioner to file an appropriate application before the DRT within a period of ten days from date. The concerned Bench of the DRT shall entertain the matter and consider granting of the relief prayed for.

Since affidavits have not been called for, the allegations made in the writ petition are deemed not to have been admitted.

(Moushumi Bhattacharya, J.)