

Ct. 05
Item No.09
10.11.2022
(Suvendu)

WPA 24288 of 2022

**Golam Kuddus Mondol & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sounak Ghosh
Mr. Anindo Sunder Das
Ms. Avipsa Sarkar
Ms. Taslima Khatun
.....for the petitioners

Mr. Sudipto Panda
Md. Munmun Tewary
.....for the State

The affidavit of service is taken on record.

The petitioners have come before this Court against any precipitate action that may be taken by the respondent no. 3, which is a Non-Banking Financial Services Company.

The petitioners claim that the petitioners were served with a Possession Notice of their residence on 7th November, 2022 followed by a visit of the police personnel from the local Police Station on the very next date. The petitioners apprehend sudden action on the part of the authorities to the ultimate prejudice of the petitioners.

Learned counsel appearing for the State hands up a Report of the Officer-in-Charge, Matia Police Station, Basirhat Police District, which states that 4th December, 2022 has been fixed as a tentative date for execution of the order of the City Civil Court. The same is taken on record.

Learned counsel appearing for the petitioners states that the police cannot take any action under the SARFAESI Act, 2002 or otherwise without an order made under Section 14 of the said Act by the District Magistrate. Since the petitioners have a statutory alternative remedy available to them under the SARFAESI Act, 2002, the petitioners are directed to approach the statutory forum and pray for appropriate relief.

Needless to say, none of the respondents shall take any steps except according to the procedure provided under the SARFAESI Act, 2002 or the applicable laws.

WPA 24288 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.)

