

25.03.2022.
Court No.13
Item No. 23
ap

**W.P.A. No. 7621 of 2020
With
CAN 1 of 2020
(Through Video Conference)**

**Nepal Dutta
Versus
The State of West Bengal & Ors.**

Mr. Rajarshi Basu.

...For the petitioner.

Mr. Baidurya Ghosal,
Ms. Avipsha Dutta Roy.

...For the respondent nos.5 & 6.

Considering the urgency pleaded by the petitioner in CAN 1 of 2020, the instant writ petition is taken up for hearing.

Accordingly, CAN 1 of 2020 is disposed of.

The writ petitioner is aggrieved by the fact that notwithstanding the complaint dated 21st October, 2019, the Officer-in-charge, Islampur Police Station, Uttar Dinajpur has not taken any steps.

The petitioner has subsequently filed a complaint with the Superintendent of Police, Uttar Dinajpur.

The grievance in the complaint is that the private respondents have forcibly occupied a portion of the petitioner's premises on alleged failure of the petitioner to repay certain loans.

Counsel for the Bank submits that the property is a secured asset to cover the loans and outstanding dues of the petitioner. He further submits that

proceedings under Sections 13(2) and 13(4) of the SARFAESI Act, 2002 have been lodged.

The remedy of the petitioner against the Bank is before the Debts Recovery Tribunal under the SARFAESI Act, 2002.

In so far as the grievances against the private respondents are concerned, this Court is of the view that the same cannot be dealt with by the police. Appropriate civil remedies may be availed by the petitioner in this regard.

Notice under Section 13 of the SARFAESI Act, 2002 dated 1st August, 2016 issued by the Bank is kept with the record.

Since no affidavits have been called for by this Court, the allegations contained in this writ petition against the Bank shall not be deemed to have been admitted by them.

With the above observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)