

09.02.2023
sayandeep
Sl. No. 05
Ct. No. 05

WPA 756 of 2023

Indian Overseas Bank & Anr.
-Versus-
State of West Bengal & Ors.

Mr. Rahul Sarkar
Ms. Dipika Sarkar
Mr. Siddhant Srivastava

.....for the petitioners

Mr. Rupak Ghosh
Mr. Ratul Das

..... for the State

The primary document which the petitioners seek to rely on is completely illegible.

In any event, the subject matter of complaint appears to be a letter of 25th April, 2022 which was issued by the Additional District Magistrate pursuant to a letter of 5th April, 2022. Learned counsel appearing for the State submits that the application under Section 14 of the SARFEASI Act, 2002 filed by the petitioner was dismissed since the auction was conducted in respect of the property. Counsel submits that the application hence became infructuous and the Additional District Magistrate decided accordingly.

Learned counsel appearing for the borrower submits that one of the borrowers has died in between.

WPA 756 of 2023 is disposed of by directing the Additional District Magistrate to pass a reasoned order indicating the facts as to why the application of the

petitioners/Bank became infructuous. The order shall be passed with reasons within two weeks from date. A copy of the reasoned order shall be made available to the petitioners within a week from the date on which such reasoned order is passed. Any decision passed by the Additional District Magistrate which forms part of the writ petition shall merge with the fresh order.

(Moushumi Bhattacharya, J.)