

22.03.2023

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Sl. No. 14

Ct. No. 05

WPA 1096 of 2023

Smt. Sujata Sharma

-Versus-

The State of West Bengal & Ors.

Mr. Indranil Nandi

Ms. Gunjan Shah

Ms. Shreya Agarwal

.....for the petitioner

According to the submissions of learned counsel appearing for the petitioner, the relief sought for cannot be granted in the absence of the Financial Corporation which is the respondent Nos. 3, 4 and 5 in the writ petition. Even though, learned counsel submits that the main relief sought for is against the order passed by the learned Chief Judicial Magistrate under Section 14 of the SARFAESI Act, 2002, it is evident that the private Financial Institution is a necessary party to the writ petition.

The writ petition is hence not maintainable. In any event, the petitioner's forum is before The Debts Recovery Tribunal under the SARFAESI Act, 2002 and not the writ Court. The petitioner must hence go before the statutory forum available to the petitioner for appropriate relief.

WPA 1096 of 2023 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)