

24.01.2023.
Court No.13
Item No. 18
ap

W.P.A. No. 1776 of 2023

**Arindam Guha Thakurata
Versus
The State of West Bengal & Ors.**

Mr. Sunny Nandy,
Mr. Subha Pathak,
Mr. Tamal Singha Roy.

...For the petitioner.

Supplementary affidavit and affidavit-of-service
filed in Court today are taken on record.

Leave was granted to the Counsel for the
petitioner on 20th January, 2023 to move this matter
on urgent basis.

Counsel for the petitioner submits that without
serving any notice of any order under Section 14 of the
SARFAESI Act, 2002 and without any lawful prior
notice, the petitioner has been evicted from his
premises, with no access to his secured assets by the
police.

Counsel for the Bank further submits that the
notice under Section 13(4) of the SARFAESI Act, 2002
was served on the petitioner on 19th November, 2020.

The order annexed to the writ petition in a
supplementary affidavit is an order under Section 14
of the SARFAESI Act, 2002 passed by the District
Magistrate, Barasat, North 24 Parganas.

The petitioner may take out any documents and articles from his premises in the presence of the police and the Officer of the Bank.

The possession of the secured assets given to the IDFC Bank by the Police shall abide by any orders that may be passed by the Debts Recovery Tribunal at Kolkata if the petitioner approaches such Tribunal within a period of two weeks from date.

The Bank shall not put up the property for sale for a period of three weeks from date.

With the aforesaid directions, 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.)