

02.03.2023

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Sl. No. 07

Ct. No. 05

WPA 4463 of 2023

UGRO Capital Limited & Anr.

-Versus-

District Magistrate, Barasat, North 24
Parganas & Ors.

Mr. Subhankar Nag

Mr. Dwipayan Basu

Mr. Subhankar Chakraborty

Mr. Saptarshi Bhattacharjee

Ms. Ruchira Manna

Mr. Shreyan Chakraborty

.....for the petitioners

Ms. Parna Roy Choudhury

Ms. Payel Ghosh

Mr. Avishek Choudhury

.....for the PNB

Learned counsel appearing for the petitioners was directed to serve the State. The office of the learned Government Pleader was served yesterday by hand.

No one appears for the State.

The dispute in the present matter relates to an order dated 19th February, 2023 passed by Executive Magistrate, Barasat, North 24 Parganas which records that physical possession of the secured assets could not be taken on 21st February, 2023 and stands cancelled. The reason given for cancellation is pending litigation between the parties.

The impugned order does not record any further particulars with regard to the pending litigation. The dispute centres around DAG No. 668 over which both

the petitioners and the respondent PNB claim their respective rights. There is nothing in the material disclosed which would help the Court to ascertain as to who has the better right.

WPA 4463 of 2023 is accordingly disposed of with a direction on respondent No. 1 being the District Magistrate, Barasat, North 24 Parganas to hear the petitioners and the PNB with regard to the impugned document dated 19th February, 2023 and come to a resolution as to the contesting claims made on DAG No. 668. The District Magistrate shall decide within a period of four weeks from date and reasoned order passed thereafter shall be communicated to the petitioners within five weeks from date.

(Moushumi Bhattacharya, J.)