

22.03.2023

Sl no. 131

Ct no. 2

P.M.

WPA 5427 OF 2023

Bakul Chakraborty & Ors.

- Vs -

The State of West Bengal & Ors.

Mr. Gaurav Purkayastha,
Mr. Sujay Sarkar,
Mr. Rahul Chachan
... for the petitioners

Mr. Pradip Kumar Roy,
Mr. Prabir Kumar Ray,
Mr. Joydeep Ray
... for the State

Mr. Malay Kumar Roy
... for respondent Nos. 4, 5 and 6

Mr. Srijan Nayek,
Ms. Rituparna Maitra
... for respondent No. 1 and 2

Heard learned advocates appearing for the parties.

This writ petition has been filed by the petitioners seeking relief of restraining the respondent bank authority concerned from taking any coercive action by way of auctioning the property in question of the petitioners for realization of the loan and accrued interest.

The admitted position is that the loan has been taken in 2009 and not has been repaid till date.

According to the bank, the total amount of due towards principal amount and interest comes to Rs. 5,82,807/-.

Considering the facts and circumstances of the case and submission of the parties this writ petition being WPA 5427 of 2023 is disposed of by directing the respondents authority concerned to not to take any coercive action of auctioning the property in question of the petitioners if petitioners pay the aforesaid amount in two equal installments. First of such installment is to be paid by the petitioners within thirty days from date and the second installment within thirty days from the date of payment of the first installment.

Learned advocate appearing for the petitioners disputes this amount. Petitioners are at liberty to make appropriate representation in this regard and if the petitioners are able to satisfy the bank authority concerned that the amount paid by the petitioners is in excess of the actual due, in that event the respondent bank authority concerned shall refund the same.

In case of default of making payment in the manner provided herein and within the time stipulated herein, this order will not have any force

and the respondent authority concerned will be free to proceed to take any action of recovery against the petitioner in accordance with law.

With this observation and direction this writ petition stands disposed of.

(Md. Nizamuddin, J.)