

16th May, 2023
(S/L No.18)
(SKB)

W.P.A. 5633 of 2023

State Bank of India and another
Versus
State of West Bengal and others

Mr. Debashis Saha
... for the petitioners.

Mr. Nilotpal Chatterjee,
Mr. Amrita lal Chatterjee
... for the State.

Mr. Dibashis Basu,
Mr. Arun bandyopadhyay
... for the respondent nos.4.& 5.

1. The writ petition is filed by the secured creditor who has filed an application before the District Magistrate, Hooghly under Section 14 of the SARFAESI Act, 2002. The application is said to be pending since February, 2022.
2. Learned counsel appearing for the District Magistrate, Hooghly submits that an application under Section 17 of the 2002 Act is pending before the Debts Recovery Tribunal and also that the several anomalies has come up before the District Magistrate in view of the documents filed by the borrower which have delayed the process.
3. Section 14 of the 2002 Act is essentially a proceeding of ministerial nature where the District Magistrate is under the statutory obligation to consider the

affidavit of a secured creditor. Section 14(1)(9)(second proviso) gives the time period within which such applications are to be disposed of. There has obviously been a delay in the matter.

4. W.P.A.5633 of 2023 is disposed of with a direction on the respondent no.2 being the District Magistrate, Hooghly to dispose of the application within six weeks from today upon intimation to the petitioner.

(Moushumi Bhattacharya, J.)