

22.03.2023

Sl no. 135

Ct no. 2

P.M.

WPA 5972 OF 2023

Narayan Chandra Hazra.

- Vs -

The State of West Bengal & Ors.

Mr. Gautam Dey,
Mr. Rajiv Kumar Acharyya,
Mr. Bansi Badan Maity,
Mr. Dipendu Sarkar,
Mr. Kaushal Kumar,
Mr. Ankan Mondal
... for the petitioner

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

Mr. D. K. Sengupta,
Ms. Sweta Saha
... for respondent Nos. 4 and 7

Mr. Srijan Nayek,
Ms. Rituparna Maitra
... for respondent No. 2 & 3

Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned auction notice for sale of the property in question of the petitioner, for realisation of the principal amount of loan taken by the petitioner and the interest accrued on the same.

Learned advocate appearing for the respondent bank submits that the auction has already been

taken place on 16th March, 2023, as such interfering with the impugned auction does not arise.

However, as per provisions of Rule 191-I of the West Bengal Co-Operative Societies Rules, 2011, a person whose property has been auctioned for recovery of any loan is entitled to make application for setting aside the same, if such application to the Board of the Bank is made within a period of thirty days from the date of sale.

Considering the facts and circumstances of this case, submission of the parties and aforesaid legal provisions, this writ petition being WPA 5972 of 2023 is disposed of by ordering that if petitioner makes appropriate application under the aforesaid Rule within thirty days from today after depositing the amount of Rs. 7,29,896/-, in that event the respondent bank authority concerned shall not give effect in any manner to the auction held on 16th March, 2023, for a period of thirty days from such date and in case of failure on the part of the petitioner to deposit the aforesaid amount and in making the appropriate application, this order will not have any force and the respondent authority concerned shall be free to proceed to take action for recovery against the petitioner in accordance with

law. If petitioner makes any dispute after depositing the aforesaid amount with regard to the quantum of the same, the same shall be considered by the respondent authority concerned in accordance with law after giving opportunity of hearing.

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

(Md. Nizamuddin, J.)