

29.3.2023

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WPA 7263 of 2023

Anupam Chatterjee

Vs

Baidyabati Sheraphuli Co-operative Bank Ltd. & Ors.

Mr. Samrat Mukherjee

... For the Petitioner.

Mr. Pradip Kumar Roy,

Mr. Joydeep Roy

... For the State.

Mr. Ankit Sureka

... For the Bank.

Affidavit-of-service filed in court be kept with the record.

Heard learned Advocates appearing for the parties.

This is the second round of litigation initiated by the petitioner to avoid the auction of the property in question to be conducted by the respondent/Bank concerned in spite of the admitted position that the loan has been taken and has not been repaid. Against such grievance this court has already passed an order on 1st February, 2023 in the earlier writ petition filed by the petitioner being WPA 1726 of 2023 where already relief was granted to the petitioner, which will appear from the said order. This second writ petition is nothing but an attempt to stall the auction proceedings in spite of being not in a position to repay the admitted loan. In the earlier order of this court, interest of the petitioner was already protected by ordering that if the property in question fetches more

than the amount of loan, in that event excess or surplus amount shall be paid to the petitioner.

Considering the facts and circumstances of the case as appears from record and submission of the parties, I am not inclined to entertain this writ petition being WPA 7263 of 2023 and, accordingly the same is dismissed.

(Md. Nizamuddin, J.)