

12.04.2023
PB
Sl. No.94.

WPA 7380 of 2023

Swapan Dey
Vs
Baidyabati Sheoraphuli
Co-operative Bank Ltd. & Ors.

Mr. Samrat Mukherjee,
Ms. Ledia Dasgupta.
... For the Petitioner.
Mr. Ankit Sureka.
.....for the Bank.
Mr. Pradip Kr. Roy,
Mr. Joydeep Roy.
.....for the State.

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition challenging the action of the respondent bank taking necessary steps for recovery of loan by issuing proclamation of sale of the property of the petitioner. Undisputed and admitted facts is that petitioner has taken the loan and has not repaid the same.

Learned advocate appearing for the respondent bank submits that at present no cause of action arises since the auction notice could not be effected and the time has already expired and if at all the bank intends to auction it will have to issue a fresh notice.

Considering the facts and circumstances of this case, I am not inclined to entertain this writ petition and accordingly this writ petition being WPA 7380 of 2023 is dismissed. However, dismissal of this writ petition will not be a bar on the part of the petitioner to approach the respondent bank for settlement of the dispute by making payment, subject to acceptance of the terms by the bank.

(Md. Nizamuddin, J.)