

27.3.2023

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WPA 7472 of 2023

Sk. Irsed Ali

Vs

Tamluk Co-operative Agriculture and Rural
Development Bank Limited & Ors.

Mr. S. Ds,

Mr. S. Ghorai,

Ms. Krishna Yadav

... For the Petitioner.

Mr. D.K. Sengupta,

Ms. Sweta Saha

... For the Respondent Nos. 1-3.

Heard learned Advocates appearing for the parties.

Petitioner has filed this writ petition challenging the impugned auction notice dated 10th March, 2023 for auction of the property in question claiming to be joint owner of the said property, which is un-partitioned and according to the petitioner, is a dwelling house consisting of two storied building. It is the case of the petitioner that if such auction is taken place and the property is sold it will seriously prejudice his right over the said property for no fault of the petitioner. According to him he has not taken any loan by mortgaging the said property. It appears from record that the auction of the property in question has been fixed today at 4-00 p.m. and petitioner has filed a representation on 13th December, 2022, before the Chairman, Tamluk Co-operative Agriculture and Rural Development Bank Limited/respondent No.1 for redressal of his grievance and it is the case of the

petitioner that without disposing of the same the respondent/Bank is going to take such a coercive action seriously affecting his right.

Learned Advocate representing the Bank submits that the record shows that the loanee is the only owner of the property in question.

Considering the facts and circumstances of the case and submission of the parties this writ petition being WPA 7472 of 2023 is disposed of by not interfering with the impugned order for auction of the property in question but the respondent No.1, shall consider and dispose of the representation of the petitioner dated 13th December, 2022 in accordance with law and by passing a reasoned and speaking order and after giving an opportunity of hearing to the petitioner or his authorised representative and other interested parties, within a period of four weeks from date. At the time of hearing petitioner shall be entitled to take all the points raised in this writ petition and to produce all the documents in support of his claim and in case petitioner is able to make out a case in course of hearing in his favour, in that event the impugned auction will not have any effect and shall not accrue any interest in favour of third party.

(Md. Nizamuddin, J.)

