

W.P.A. 12873 of 2023

**A to Z Printers rep. by Its proprietor
Mr. Murad S Mahmood
Vs.
The State of West Bengal & Ors.**

Mr. Farooque Ali
Mr. Sharukh Raja
Mr. Aksar Ali
Mr. Faizan Md. Zafar
Mr. Arham Riza
Mr. Shryash Mohta
Mr. Bapun Behera

....for the petitioner

Mr. Rabindra Narayan Datta
Mr. Bipin Ghosh

...for the State

Mr. B. Ghosh
Mr. Manoj Kumar Singh
..for the respondent nos. 5 & 6

Petitioner has filed the present writ application challenging the order passed by the District Magistrate, South 24 Parganas dated 17th April, 2023 under Section 14 of SARFASEI Act, 2002.

Counsel for the petitioner submits that being aggrieved with the said order the petitioner has already preferred an appeal under Section 17 of the SARFASEI Act before the Kolkata Debt Recovery Tribunal-III at Kolkata, but the tribunal has not taken up the matter though the petitioner has made an endeavour by way of put up application for taking up the said application but till date no SA number has been provided.

Counsel for the petitioner submits that as per the order passed by the learned District Magistrate at any time with the help of the police, petitioner will be evicted and the possession will be taken by the bank. Counsel for the petitioner prays for stay of the impugned order till the DRT taking up the matter for hearing.

Counsel for the State has filed a report and submit that the bank has requested the authorities for giving police protection for execution of the order and said authority will take appropriate steps as and when require by the bank. The bank authority submit that the Kolkata Debt Recovery Tribunal-III is in seisin and the DRT is taking the matter on urgent basis but the petitioner has not taken any endeavour to place the matter before the DRT.

Heard learned Counsel for the respective parties and perused the materials on record this Court find that the DRT is already in seisin and taking urgent matter and as such DRT-III, Kolkata Bench is requested to take up the matter of the petitioner on urgent basis and to hear the injunction application of the petitioner within a period of 1 (one) week from date of receipt of the copy of the order till the time DRT-III is not taken up the matter the authorities are directed not to take any coercive action against the petitioner.

WPA 12873 of 2023 is disposed of.

(Krishna Rao, J.)