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02.08.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13304 of 2023

Alamgir Sk & Anr.
Vs.
The Ujjivan Small Finance
Bank Limited & Ors.

Mr. Golam Mastafa,
Mr. Tarasankar Samanta
...for the petitioners

Affidavit-of-service filed in Court today be kept
on record.

Learned counsel appearing for the petitioners
submits that the petitioners have certain grievances
with the alleged amounts of loan payable by the
petitioners. However, the respondent-authorities
are trying to take possession of the property of the
petitioners, for which the present writ petition has
been filed.

A perusal of the affidavit of service filed today
shows that the same has returned with an
endorsement which apparently indicates that the
addressee has left.

As such, proper service has not been effected on
the respondents.

In any event, the reliefs sought by the petitioners in the present writ petition are required to be canvassed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before the Debts Recovery Tribunal having jurisdiction.

Hence, nothing is disclosed of an exceptional nature to instigate the court to invoke its writ jurisdiction and interfere in such a SARFAESI proceeding, particularly when the petitioners has an equally, if not more, efficacious alternative remedy before the Tribunal where the petitioners can even urge question of facts, apart from law.

Hence, W.P.A. No. 13304 of 2023 is disposed of with liberty to the petitioners to approach the concerned Tribunal with the reliefs as claimed herein.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)