

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13866 of 2023

Suraj Kumar Trivedi & Anr.

Vs.

The Tata Capital House
Finance Limited & Ors.

Mr. Golam Mastafa,

Mr. Tarasankar Samanta

...for the petitioners

Despite service, none appears for the respondents.
Affidavit-of-service filed in Court today be kept on
record.

The innocuous prayer of the petitioners is that
admittedly, the petitioner took a loan of Rs.49 lakhs,
which the petitioners now want to repay. However, in
view of certain financial difficulties, the petitioners pray
that the interest payable thereon be reduced.

The petitioners wrote in that regard on June 08,
2023 to the authorised officer of the Tata Capital
Housing Finance Limited, the respondent no. 1 herein,
a copy of which is annexed as annexure P-7 at page 37
of the writ petition. Similar representations were also
given by the petitioners on earlier dates, which are also
annexed to the writ petition.

It is submitted that the respondent-authorities be directed to consider the said representations sympathetically and release the property of the petitioners, the possession of which has already been taken.

However, the writ court does not, as such, have the liberty to show mercy on behalf of others.

Yet, since the petitioners have shown their bona fides in being willing to pay the entire amount of debts and have merely sought a reduction in the interest, W.P.A. No. 13866 of 2023 is disposed of by directing the respondent-authorities to consider the representations of the petitioners, as annexed to the present writ petition, in a sympathetic light and decide the same as expeditiously as possible, positively within three weeks from the date of communication of this order to the said respondents.

The parties shall act on a server copy of this order.

The petitioners shall serve a server copy of this order on the respondents as expeditiously as possible, positively within a week from date.

The respondent-authorities shall not further deal with the property-in-dispute, possession of which has already been taken by the respondents, till July 15, 2023 or until a decision is taken on the representations of the petitioners, whichever is earlier.

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.)