

Subir Mondal
-vs-
State of West Bengal & ors.

Mr. Shyamal Roy
...for the petitioner
Ms. Ipsita Banerjee
..for the State
Mr. Abhishek Banerjee
...for respondent nos. 5 to 7

This is an application praying for a direction upon the respondent authorities to conduct an impartial investigation on the basis of the complaint lodged on 15.10.2022 by the petitioner after registering an FIR and direction upon the respondent nos. 5 to 8 not to disturb the peaceful life of the petitioner's family.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has taken a loan from the erstwhile United Bank of India. Since 2014, he had been regularly paying the EMIs of the same. However, during the COVID period, some amount fell due. In the meantime, the United Bank of India merged with the Punjab National Bank. Thereafter, the bank started taking steps in terms of the SARFAESI Act. Besides, the officers of the bank along with local anti socials had been visiting the premises of the

petitioner and harassing and threatening him and his family members. On this, the petitioner lodged a complaint before the local police station, but no steps were taken in this regard. The petitioner has also filed appropriate application before a Court of law and the same is pending. Till conclusion of the same, the respondent bank authorities may be prevented from committing such illegal acts along with local miscreants at the premises of the petitioner.

Learned counsel appearing on behalf of the State submits as follows. After receiving the complaint from the petitioner, a preliminary inquiry was done and it was found that no such incident as alleged involving bank officials and miscreants coming and threatening the petitioner had taken place. Accordingly, no further steps could be taken, except for lodging a GD entry.

Learned counsel appearing on behalf of the respondent bank authorities submits as follows. The bank authorities have already taken steps before the DRT and the DRT has passed an order of attachment in a recovery suit. So there is question of the bank official or his agents or any other miscreants visiting the petitioner's premises.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It appears that an inquiry has already been done by the police authorities and nothing adverse was found against the private respondents in terms of the allegations made by the petitioner.

In dealing with such matter, one has to remember the caution sounded by the Hon'ble Apex Court in similar matters of hire purchase. On this, a reference may be made by the decisions in Sardar Trilok Singh & ors. -vs- Satya Deo Tripathi, (1979) 4 SCC 396 and Charanjit Singh Chadha & ors. -vs- Sudhir Mehra, (2001) 7 SCC 417.

It appears that the respondent bank authorities have already initiated a proceeding and the DRT has passed an order. It is for the petitioner to contest the said proceeding in accordance with law.

This Court does not find a need to pass any further order in this matter.

However, the respondent authorities shall keep a close vigil at the locale and ensure that no breach of peace take place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)