

23.02.2023
Court No.13
Item No.9
pk

WPA 16562 of 2022

**State Bank of India & Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Indrajit Bhattacharjee,
Mr. Kowshik Tikadar

... For the Petitioners.

Mr. Asis Bhattacharyya,
Mr. B. Mitra

....for the private respondents

In November, 2020 the petitioners/State Bank of India obtained possession of a secured assets from their borrower one Malay Kumar Das. The bank appointed security guard.

The private respondents claim to have purchased the property-in-question /secured asset from Ajay Rana and Rajarshee Sikdar in March 2021. Ajay Rana was the builder.

The private respondents obtained possession of the property in March, 2021. There is prima facie evidence before this Court that the private respondents and the bank may have been cheated. The complaint of the bank resulted in FIR and has culminated in a Charge Sheet being Bansdroni PS CS No. 73 of 2022.

The bank submits that the private respondents have filed a writ petition against the bank, which has been dismissed and an appeal being MAT No. 719 of 2021 was dismissed as withdrawn on 18.08.2021.

In essence the private respondents were asked to approach the Debts Recovery Tribunal in respect of the property in question.

This Court is of the view that in the peculiar facts and circumstances of the case, the bank should take out appropriate civil proceedings.

The report of the Bansdroni Police Station dated 23.02.2023 is kept with the record.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)