

1st August,
2023
(AK)
13

W.P.A 17652 of 2023

State Bank of India
Vs.
State of West Bengal and others

Mr. Piyush Kanti Ray
Mr. Sourajit Mukherjee
...for the petitioner.

Mr. Dwavika Nath Mukherjee
Mr. Amit Halder
...for the State.

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

The grievance of the petitioner-Bank is that despite the petitioner having applied under Section 14 of the SARFAESI Act, 2002 against the private respondent/borrower and having written with regard to expeditious disposal of the same long back, the District Magistrate concerned is not taking any steps with regard to disposal of the same.

Heard learned counsel for the parties.

Learned counsel for the petitioner is justified in submitting that the law contemplates an outer limit of sixty days for disposal of applications under Section 14 of the 2002 Act.

It is seen from the communication annexed to the writ petition made to the District Magistrate that the

same was received by the District Magistrate as long back as on April 25, 2022.

There is nothing on record to justify the considerable delay in disposal of the application.

Accordingly, WPA 17652 of 2023 is allowed, thereby directing respondent no.2, that is, the District Magistrate, Purba Bardhaman, to immediately dispose of the application filed by the petitioner-Bank under Section 14 of the SARFAESI Act, 2002 against the private respondent nos.6 and 7, by passing appropriate orders and taking appropriate steps for possession in terms of the SARFAESI Act.

Such entire exercise shall be concluded within the outer limit of August 31, 2023.

It is made clear that the above time-frame is peremptory and mandatory and the District Magistrate shall adhere to the said timeline, by acting on the written communication of the learned Advocate appearing for the petitioner, coupled with a server copy of this order, without insisting upon prior production of certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)