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08.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 19646 of 2023
IA No. CAN 1 of 2023**

**Swadesh Ranjan Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Swapan Kumar Pal.
...For the Petitioner.**

**Mr. P.C. Bhattacharjee.
...For the Respondent No.2.**

**Mr. Srijan Nayak,
Mr. Biplab Das,
Mr. Asis Dutta.
...For the Respondent
Nos.3 and 4.**

**Ms. Rama Halder,
Ms. Anima Das Chakraborty.
...For the State.**

**Mr. Amit Kumar Pan,
Mr. Haripada Nayak,
Ms. Tanusri Santra.
...For the Addition of Party.**

The petitioner has certain grievances and raises dispute in connection with a loan obtained by the petitioner from the Contai Co-operative Agriculture and Rural Development Bank Limited. On account of non repayment of the loan amount the mortgaged property of the petitioner was put to auction and sold to the highest bidder. Possession of the same was also handed over way back in February, 2022.

The petitioner claims to be aggrieved by the manner in which the mortgaged property was sold off in auction. A legal representation demanding justice was served upon the Bank in March, 2023. The same is pending consideration.

An application has been filed by the person who purchased the property in the auction sale and presently claims to be in possession of the same.

It appears from the facts of the instant case that the dispute in question is a private one and the writ petition against the Bank is not maintainable in law.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed. The connected application, accordingly, stands disposed of.

Dismissal of the writ petition will however, not stand in the way of the petitioner from approaching the appropriate forum, if permissible in law.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)