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01.12.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22729 of 2023

**Aloke Baran Jana
-versus
The State of West Bengal & Ors.**

**Mr. Asis Bhattacharyya.
...For the Petitioner.**

**Mr. Pabitra Charan Bhattacharjee.
...For the Respondent No.2.**

**Mr. Malay Singh,
Ms. Neelam Singh.
...For the State.**

The petitioner is aggrieved by the sale notice issued by the Bank in respect of a property mortgaged to the Bank for obtaining cultivation loan. There is default in the loan amount. The Bank is proceeding to recover the loan amount by issuing sale notice.

Learned advocate appearing for the petitioner submits that the land in question is a water body and the petitioner is agreeable to clear the dues by one time settlement with the Bank.

Learned advocate appearing for the Bank submits that the mortgaged property is not a water body. Right now there is no scheme of the Bank for one time settlement of the loan amount. The petitioner never applied before the Bank for waiver of the penal interest.

Upon hearing the parties and upon perusal of the available materials, it appears that there is nothing on record to show that the petitioner approached the Bank for redressal of his grievances. The petitioner has directly approached this Court by challenging the notice of sale. It has been admitted that there has been default in the loan amount. The Bank has acted in accordance with the provisions of law and has taken steps to recover the amount that is due and payable.

In view of the above, it will be open for the petitioner to approach the Bank for necessary relief.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)