

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 24254 of 2023

Smt. Hema Das
Vs.
Union of India & Ors.

Ms. Smita Das De
...for the Union of India

Mr. Debnarayan Banerjee,
Mr. Md. Ahsanuzzaman
...for the State

Mr. Om Narayan Rai
...for the Indian Bank

1. None appears for the petitioner at the time of call, although the respondents are represented through counsel.
2. Learned counsel for the bank contends that the writ petition is not maintainable.
3. A perusal of the impugned notice of eviction dated September 26, 2023 shows that the bank intimated thereby that the account has already been settled by adjusting the sale proceeds and the surplus amount will be refunded later on. The petitioner/borrower has been asked to vacate the premises immediately, in default of which the bank has threatened legal action.

4. Even on a *prima facie* reading of the said document, it is evident that no cause of action for the writ petition has been disclosed, since the bank merely threatens legal action in the event the petitioner does not vacate the premises.

5. In any event, the petitioner has adequate remedy before the Debts Recovery Tribunal in the event the petitioner seeks to take any steps regarding the sale and/or the threatened eviction.

6. Hence, this Court chooses not to entertain the writ petition on the ground as stated above.

7. Accordingly, W.P.A. No. 24254 of 2023 is dismissed as not maintainable without, however, any order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)