

13-06-2023
ct no. 13
sl. no. 230
sp

WPA 24935 of 2022

Shyamal Roy

-Versus-

The Branch Manager, Bank of Baroda & Ors.

Mr. Shyamal Roy

... petitioner (in-person)

Mr. Dipanjan Datta

...for the respondent/bank

1. The petitioner complains that he has made a separate housing loan application with his brother in the year 2013 and the bank has sanctioned the housing loan jointly to him and his brother. The petitioner is willing to repay his share of the outstanding dues.
2. Counsel for the bank submits that the loan was sanctioned jointly in the year 2013 and no grievance was raised against the bank by the petitioner until the year 2023. The petitioner along with his brother jointly signed all loan documents.
3. The bank has initiated proceeding under the SARFAESI Act, 2002. The petitioner's grievance, if at all tenable in law, can at best be raised before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act, 2002.

4. There is, however, some merit in the complaint of the petitioner that the bank is sending recovery agents to harass and intimidate him. such a complaint of financial institution sending recovery agents are not unusual despite being ex facie illegal. The bank shall use only appropriate statutory or civil proceedings to recover their dues.
5. The petitioner may also take out in addition to the proceedings indicated hereinabove proceedings as application under Section 156(3) of the Cr. P.C. in respect of any inaction on the part of the Narendrapur Police Station.
6. This Court directs the Narendrapur Police Station to forthwith register FIR in the event of any further complaint from the petitioner of any recovery agents trying to harass, intimidate or extort money from the petitioner.
7. With the aforesaid observations, the instant writ petition shall stand disposed of.
8. There shall be no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

