

AD-10
Ct No.09
18.10.2023
TN

WPA No. 24499 of 2023

Rumpa Guin
Vs.
State of West Bengal and others

Mr. Sourabh Guha Thakurata,
Ms. Nilanjana Sarkar,
Mr. Abhratanu Sarkar

.... for the petitioner

Mr. Anirban Ray,
Mr. Sk. Md. Galib,
Ms. Tanwishree Mukherjee

.... for the State

Mr. Om Narayan Rai

.... for the Indian Bank

- 1.** The present challenge has been preferred against an order passed under Section 14 of the SARFAESI Act, 2002.
- 2.** The appropriate relief, however, lies in a challenge under Section 17 of the said Act.
- 3.** Hence, this court chooses to impose its self-imposed restriction and not to interfere in the present writ petition under Article 226 of the Constitution of India.
- 4.** Accordingly, WPA No. 24499 of 2023 is dismissed, however, with liberty to the petitioner to prefer a challenge on the grounds taken herein before the appropriate Tribunal.

5. If such a challenge is preferred, nothing in this order shall prevent the Tribunal from deciding the same independently on its own merits, since this court has not entered into the merits of the contentions of the parties at all.
6. Since no affidavits have been invited, it is deemed that none of the allegations made in the writ petition are admitted by the respondents.
7. There will be no order as to costs.
8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)