

19.06.2023
Court No.13
Item No.238
AP

WPA 25194 of 2022

**Smt. Payel Chowhan
Vs.
The State of West Bengal and Ors.**

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee

... For the Petitioner.

Mr. Wasim Ahmed
Mr. Sk. Md. Masud

... For the State.

Ms. Soni Ojha

... For the Respondent Nos.5 to 9.

1. The petitioner complains that her husband went missing around 15th August, 2022. The petitioner claims that her husband is not traceable since after the officials and personnel of the Bandhan Bank threatened and intimidated the petitioner and her husband into repaying a housing loan that is overdue.

2. Learned counsel for the State submits that they only received a complaint from the petitioner, a month after her husband went missing. Usual procedures in respect of missing persons have been set in motion. The mobile tower location of the petitioner's husband indicates that he is roaming around in various parts of the country.

3. Learned counsel for the State further submits that on the allegations against the officials and personnel of the Bandhan Bank regarding threatening and intimidation of the petitioner, FIR No.287/2022 dated 22nd November,

2022 has been registered by the Banishhari Police Station, Dakshin Dinajpur. The investigation is on.

4. Counsel for the Bandhan Bank submits that the writ petition is motivated and filed for collateral purposes.

5. It is further submitted by the learned counsel for the Bandhan Bank that the petitioner herself is a co-obligator to the loans and dues availed by the writ petitioner and her husband. In fact, the residential unit purchased after availing the loans are in the name of the writ petitioner.

6. Bandhan Bank may take appropriate steps in accordance with law i.e. under SARFAESI Act, 2002 and RDB Act and other lawful means to recover their dues.

7. Let investigation into the aforesaid FIR be completed as expeditiously as possible preferably within a period of three months from date.

8. With the aforesaid directions, the writ petition shall stand disposed of.

9. There shall be no order as to costs.

10. Since the respondents have not used any affidavits, the allegations made in the writ petition, shall not be deemed to have been admitted by them.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)