

AD-43
Ct No.09
20.11.2023
TN

WPA No. 25648 of 2023

Bhola Das and another
Vs.
Union of India and others

Mr. Ayan Dutta,
Mr. Abhishek Sikdar,
Ms. Sahili Dey

.... for the petitioners

Mr. Prabir Bhowmik,
Ms. Moumita Mandal

.... for the respondent no.1

Mr. Md. Nasiruddin,
Mr. M. Rahman,
Mr. Md. Janbazuddin

.... for the respondent nos.3 & 4

- 1.** Learned counsel for the respondents, at the outset, takes an objection as to maintainability of the writ petition. It is submitted that since an appeal is maintainable before the Debts Recovery Appellate Tribunal, the writ petition ought not to be entertained.
- 2.** Learned counsel for the petitioners pleads extreme urgency and submits that the petitioners are agreeable to go before the Debts Recovery Appellate Tribunal (DRAT) but in the meantime, due to the palpable illegality committed, an interim protection be given.

3. Such allegation of palpable illegality, of course, is disputed by the respondents.
4. Be that as it may, the petitioners have an available and functioning forum by way of the DRAT against the order of the Debts Recovery Tribunal (DRT) which has been impugned herein.
5. There is no reason for this court interfering, since if writ petitions are started to be entertained against orders of the DRT as a matter of course, despite availability of equally efficacious alternative remedy, a floodgate will unnecessarily be opened.
6. It is well-settled that in such circumstances, the court exercises a self-imposed restriction and relegates the matter to the appropriate forum to be exhausted.
7. Accordingly, WPA No. 25648 of 2023 is dismissed as not entertained with liberty to the petitioners to approach the appropriate appellate forum with the self-same challenge as preferred in the present writ petition.
8. This court has not entered into the merits of the matter at all.
9. Since no affidavits have been directed in the matter, it is deemed that none of the allegations

made in the writ petition are admitted by the respondents.

- 10.** There will be no order as to costs.
- 11.** 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.)