

AD-13
Ct No.09
16.08.2023
TN

WPA No. 27906 of 2022

Bank of Baroda and another
Vs.
The State of West Bengal and another

Mr. Dipanjan Datta,
Mr. Subhajit Chowdhury

.... for the petitioners/
Bank of Baroda

Mr. Tarun Kumar Ghosh,
Ms. Suvasree Ghose

.... for the State

Affidavit-of-service filed today be kept on record.

The petitioners/Bank makes an innocuous prayer in the writ petition. After obtaining an order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the SARFAESI Act, 2002”) from the concerned District Magistrate, the Executive Magistrate, who was given the charge of taking possession, demitted office, for which the Bank wrote to the District Magistrate to pass necessary consequential orders, substituting the name of the Executive Magistrate for the purpose of carrying out the order of the District Magistrate.

No steps having been taken thereon, the present writ petition has been filed.

In view of the innocuous prayer, WPA No. 27906 of 2022 is disposed of by directing the District Magistrate, North 24 Parganas, that is, the respondent no. 2, to immediately pass appropriate orders substituting the name of the Executive Magistrate, who has to carry out the order of the District Magistrate under Section 14 of the SARFAESI Act, 2002, replacing the name of the erstwhile Executive Magistrate who has since retired and bringing in the name of the current incumbent in the office of the Executive Magistrate.

Such exercise shall be carried out by the respondent no. 2 within a fortnight from the date of communication of this order to the District Magistrate.

There will be no order as to costs.

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.)