

18.04.2023
Court No.13
Item No.37
pk

WPA 27942 of 2022
Argha Protim Datta
Vs.
State of West Bengal and Ors.

Ms. Dipika Sarkar

... For the Petitioner.

Mr. Sudeep Pal Choudhuri,
Ms. Diya Nandi

... For the respondent no. 2.

Mr. Sabir Ahmed,
Mr. S. Sarkar,
Mr. S. Chakraborty,
Mr. Dhiman Banerjee

... For the respondent nos. 10 and 11.

1. The petitioner purchased a property in an auction conducted by the State Bank of India. Physical possession of the property was given to the petitioner and sale certificate has been registered.
2. The petitioner claims that while he was away from the premises in May, 2022, the private respondents dispossessed him and took over possession of the property.
3. The private respondents are represented.
4. It is submitted that they are neither the borrowers nor the mortgagers to the property. They have no relation to the bank. The borrower has fraudulently mortgaged the property of the private respondents to the State Bank of India. They have filed T. S. No. 182 of 2022 which is now pending before the Court of the Civil Judge (Senior Division), Second Court at Barasat.

5. The Civil Court has passed an order of status quo in respect of the property.
6. In the backdrop of the aforesaid, no relief can be granted to the petitioner in the instant proceeding.
7. The petitioner may take appropriate steps either in the pending civil suit or any proceeding he may institute in accordance with law in respect of the property and also seek damages.
8. The writ petition is disposed of.
9. There will be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)