

D/L. 4.
December 11, 2023.
MNS.

WPA No. 27121 of 2023

Smt. Ila Biswas @ Ela Biswas
Vs.
Canara Bank and others

Ms. Debjani Sengupta,
Mr. U. K. Jana,
Ms. Babita Dey

... for the petitioner.

Mr. Anjan Kumar Paul

...for the Canara Bank.

Mr. Pradip Kumar Mondal,
Mr. Bishnupada Jana

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner submits that a notice Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has been issued against the petitioner.
3. At the outset, learned counsel for the Bank opposes the writ petition on the ground of maintainability and submits that an application filed by the petitioner is already pending before the concerned Debts Recovery Tribunal.

4. Learned counsel for the petitioner submits in reply that the pending SA is in connection with a different notice.
5. Upon query of court, learned counsel for the petitioner admits that all the notices have been issued in connection with the self-same property.
6. The law does not contemplate multiple applications before the Debts Recovery Tribunal challenging several notices in connection with self-same property.
7. Since the petitioner has preferred an application before the concerned Debts Recovery Tribunal, the forum of challenge of the petitioner is before the Tribunal in the said application.
8. Hence, there is no scope of interfering in writ jurisdiction in view of availability of an equally efficacious alternative remedy which has already been explored by the petitioner.
9. Accordingly, WPA No. 27121 of 2023 is dismissed with liberty to the petitioner to take all points taken in the writ petition before the concerned Tribunal, in the pending SA of the petitioner before the Tribunal.
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.)