

01.03.2023

Sl no. 61

Ct no. 2

P.M.

WPA 28943 OF 2022

Vidyasagar Central Cooperative Bank Limited

- Vs -

The State of West Bengal & Ors.

Mr. Pabitra Charan Bhattacharya,
Mr. Chandan Kumar Lal
... For the Petitioner.

Mr. Srijan Nayak,
Ms. Rituparna Maitra
... for the State

Mr. Sujit Sankar Koley
.. for respondent No. 3

Heard learned advocates appearing for the parties.

By this writ petition, petitioner seeks relief of order for execution of a certificate of public demand issued under the relevant provisions of Public Demand Recovery Act in favour of the petitioner, by the certificate officer.

Learned advocate representing the respondent State submits that there is a provision under the Public Demand Recovery Act empowering the certificate officer and mode and manner to be exercised by him for execution of the certificate issued by him, under the relevant provisions of Section 14 of Public Demand Recovery Act and the petitioner instead of availing or taking the recourse

for the remedy under the aforesaid provisions of Section 14 of the aforesaid Act has approached this Court by way of filing this writ petition.

I am not inclined to entertain this writ petition for two reasons, firstly, availability of alternative remedy and secondly this writ court can't be approached by the petitioner as an executing Court for execution of certificate issued for recovery of demand issued under the aforesaid Act.

In view of the discussion made above this writ petition being WPA 28943 of 2022 is dismissed with liberty to the petitioner to avail the remedy available to it under the law.

(Md. Nizamuddin, J.)