

28th March,
2024
(AK)
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W.P.A 6966 of 2024

Canara Bank and another
Vs.
The State of West Bengal and others

Ms. Jayita Roy
Mr. Subhas Chandra Sarkar
Mr. Rishav Roy
...for the petitioners.

Mrs. Piyali Sengupta
Ms. Srijani Mukherjee
...for the State.

Mr. Malay Bhattacharyya
Mr. Sudipta Sengupta
...for the respondent no. 4.

1. Learned counsel for the petitioners submits that despite the petitioner no.1-Bank having initiated a proceeding under Section 14 of the SARFAESI Act, the same has long been pending.
2. It is contended that under the statutory stipulations, the matter ought to have been decided much earlier.
3. Learned counsel for the private respondent no.4 submits that a challenge had been preferred by the private respondent under Section 17 of the SARFAESI Act which met with rejection, giving rise to a review application by the private respondent which is now pending.
4. It is further argued that already the police authorities have taken steps with regard to the

handing over possession in favour of the petitioners and as such the matter pertains to police inaction, regarding which this court does not have determination.

5. It is further argued that the prayer made in the writ petition is vague insofar as relief (a) refers to an application under the SARFAESI Act which apparently is an indication to the application filed under Section 17 which is already disposed of.
6. All the technical objections of the private respondents are untenable in the eye of law.
7. Insofar as the jurisdiction of this court is concerned, the matter does not pertain to police inaction at all.
8. The fact that the police have raised a claim regarding police help costs is only a collateral ancillary of the prayer in the present writ petition which seeks an early disposal of the application filed by the petitioner-Bank under Section 14 of the SARFAESI Act, 2002.
9. Although there is a misprint in relief (a) of the prayer portion of the writ petition, a composite reading of the entire grounds of the writ petition as well as the statements made therein, particularly grounds VII and VIII, clearly indicates that the grievance of the petitioners is the long pendency of

their application under Section 14 and there cannot be any second thought about that.

10. Insofar as the claim of the petitioners is concerned, the application under Section 17, SARFAESI Act of the borrower/private respondent no.4 has already been dismissed.
11. Mere pendency of a review application does not stand in the way of the Section 14 application taking its own legal course.
12. Accordingly, WPA 6966 of 2024 is allowed on contest, directing the respondent no.2, that is, the District Magistrate, North 24 Parganas to dispose of the application under Section 14 of the SARFAESI Act, 2002 filed by the petitioner no.1 which is pending before respondent no.2 as expeditiously as possible, positively within four weeks from date, and/or to pass consequential orders to ensure implementation of any order which might have already been passed by the District Magistrate under Section 14(1) of the said Act.
13. There will be no order as to costs.
14. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)