

Item No.6

15.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7685 of 2024
Koushik Ganguly
v.
State of West Bengal & Ors.

Mr. Sibaji Kumar Das
Mr. Debarshi Brahma
... for the petitioner.

Mr. Atindranath Mishra
... for the respondent no. 2 & 4.

Mr. Ankit Sureka
Mr. Biplab Das
... for the respondent no. 5.

Mr. Srijan Nayak
Mr. Rituparna Maitra
... for the respondent no.1

The petitioner is aggrieved by the proclamation of sale of immovable property issued by the Santragachi Co-operative Bank Limited on February 10, 2024.

It has been submitted that the loan was obtained by Nivedita Ganguly Proprietor of M/s. D.S. Distributer. The said proprietor expired on December 24, 2022. The petitioner herein is the spouse of the deceased proprietor. The residential house of the petitioner is mortgaged to the bank. A sum of Rs. 38,60,000/- (Thirty-eight lac sixty thousand only) is due and payable to the bank. The date of sale is fixed today.

It has been submitted that as the sale notice has been issued in the name of a dead person, accordingly, the sale ought not to proceed.

The petitioner, being the spouse of the deceased, did not intimate the bank about the death of the proprietor of the loanee. It appears that a considerable sum is due and payable. The petitioner submits that he intends to settle the loan amount with the bank.

It will be open for the petitioner to make proposal before the bank for settlement.

The Court is not inclined to exercise jurisdiction in this matter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)