

AD-36
Ct No.09
09.04.2024
TN

WPA No. 7749 of 2024

Canara Bank and another
Vs.
The District Magistrate, North 24 Parganas
and others

Mr. Farooque Ali,
Mr. Shahrukh Raja,
Mr. Faizan Md. Zafar

.... for the petitioners

Mr. Rajdeep Majumder,
Mr. Bibekananda Sinha Roy

.... for the UOI

- 1.** Affidavit-of-service filed today be kept on record.
- 2.** The innocuous prayer of the petitioners is that on the application under Section 14 of the SARFAESI Act, 2002 preferred by the petitioners, the District Magistrate, North 24 Parganas (respondent no. 1 herein) directed a particular Executive Magistrate to take steps for such possession. However, since the said post of the Executive Magistrate is vacant, the petitioners cannot get possession of the secured assets. Accordingly, the petitioners made a representation before the District Magistrate on May 17, 2023 for appointment of another Executive Magistrate to give effect to the order passed under Section 14 of the SARFAESI Act, 2002 which has not been paid heed to by the District Magistrate.
- 3.** Accordingly, WPA No. 7749 of 2024 is disposed of by directing the respondent no.1, the District Magistrate, North 24 Parganas to appoint a new Executive

Magistrate for carrying out the order passed under Section 14 of the SARFAESI Act, 2002 on the application of the writ petitioners, within four weeks from the date of communication of this order to the said District Magistrate.

- 4.** The parties shall act on a server copy of this order for the purpose of compliance.
- 5.** There will be no order as to costs.
- 6.** 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.)