

D/L.32.
May 1, 2024.
MNS.

WPA No. 11367 of 2024

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

Mr. Subhas Chandra Sarkar,
Ms. Jayita Roy,
Mr. Rishav Roy

... for the petitioners.

Mr. Biswajit Sau,
Mr. Debabrata Mondal

...for the State.

1. The grievance of the petitioners is limited.

The petitioners filed an application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (2002 Act) and an order of possession was passed by the respondent no. 2, that is, the District Magistrate, North 24 Parganas.

2. However, the concerned Executive Magistrate, who was assigned the task of facilitating the possession in favour of the authorized officer of the petitioner no. 1-bank, has since been transferred, leading to the order being rendered futile.

3. The petitioners approached the District Magistrate for re-assigning the matter to some other executive Magistrate, which has not

been done, giving rise to the present writ petition.

4. Affidavit-of-service filed in Court today be kept on record.
5. WPA No. 11367 of 2024 is disposed of by directing the respondent no. 2, that is, the District Magistrate, North 24 Parganas, to re-assign the task of handing over possession to the authorized officer of the petitioner no. 1 pursuant to the order passed by the respondent no. 2 to some other functioning Executive Magistrate within eight weeks from date to ensure that the possession is handed over to the authorized officer of the petitioner no. 1-at the earliest.
6. There will be no order as to costs.
7. 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.)