

May 2, 2024
AD 12
Ct. No.14
SG

WPA 11574 of 2024

Indian Bank and another
vs.
The State of West Bengal and others

Mr. Om Narayan Rai
Mr. Shiv Mangal Singh
... for the petitioners

Md. Mukaram Hossain
Mr. Syed Mosihar Rahaman
... for the State

Report filed by the State is taken on record.

Learned counsel for the petitioners submits as follows. On 18.02.2022 learned District Magistrate, South 24 Parganas passed an order in a proceeding under Section 14 of the SARFAESI Act directing the Superintendent of Police, Diamond Harbour to instruct a local police to provide police assistance for maintenance of law and order. The secured creditor was also directed to remain present at the time of taking physical possession of the asset in question. Despite bringing this order to the notice of the police authorities and making several requests, till date police help has not been rendered in repossessing the asset. After filing of this writ petition, an e-mail has been received from the Inspector-in-Charge of Bishnupur Police Station that the police are willing to provide necessary help and requesting the petitioner to fix a date after the ensuing Parliamentary Election.

Learned counsel for the State relies on the report and submits that necessary police help will be rendered but a date may be fixed after the ensuing election.

Let the petitioner intimate the intended date and time at which the petitioner would visit the place to take possession of the asset in question to the Inspector-in-Charge of Bishnupur Police Station with a 48 hours' prior notice. The proposed date should be after the ensuing Lok Sabha Elections are over i.e., after June 4, 2024.

Thereafter, the police authorities shall take appropriate steps and deploy adequate number of personnel for complying with the order passed by the learned District Magistrate under Section 14 of the SARFAESI Act.

With these observations, the writ petition is disposed of.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]