

21st May,
2024
(AK)
03

W.P.A 13392 of 2024

State Bank of India and another
Vs.
State of West Bengal and others

Mr. Debashis Saha
...for the petitioners.

Mr. Syed Baktiar Adil
Ms. Nabamita Kapat
...for the State.

1. Learned counsel for the petitioner-Bank submits that initially the District Magistrate turned down the petitioners' prayer under Section 14 of the SARFAESI Act, 2002 being aggrieved by which the petitioners had preferred a writ petition.
2. Upon this court directing the Magistrate to decide the application afresh without going into any adjudication on the merits, by an order dated November 21, 2023, the District Magistrate passed necessary orders for handing over possession to the petitioners.
3. However, till date no such possession could be given to the petitioners due to resistance from third parties.

4. It is submitted that the third parties have also preferred an application before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act.
5. However, by an order passed by the tribunal on March 21, 2024, the interim prayer made in such application by the said third parties has been refused on the ground that the tribunal did not find *prima facie* case for grant of stay of operation of the order dated November 21, 2023 passed by the District Magistrate, Bankura.
6. Thereafter, the petitioners have written representations to the District Magistrate for implementation of the order of the said authority but to no effect.
7. Considering the facts of the case, there is nothing to prevent the implementation of the order of the District Magistrate dated November 11, 2023.
8. Accordingly, WPA 13392 of 2024 is disposed of by directing respondent no.2, the District Magistrate, Bankura to ensure that possession of the secured assets is immediately handed over to the petitioner no.1-Bank through its authorized officer, if necessary by taking adequate police assistance in that regard.
9. It is expected that the said exercise shall be concluded by June 15, 2024.

10. There will be no order as to costs.
11. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)