

D/L.14.
May 22, 2024.
MNS.

WPA No. 13790 of 2024

Sabikun Nahar
Vs.
Union Bank of India and another

Mr. Purnasish Gupta,
Mr. Jayanta Kumar Mukhopadhyay

... for the petitioner.

Mr. Ranajit Chowdhury,
Mr. Sudipto Chowdhury,
Ms. Aparupa Chakraborty,
Mr. Purnendu Modak

...for the respondent-bank.

1. The petitioner has challenged the retention of certain title deeds by the respondent-bank, which were allegedly deposited by the petitioner, a guarantor in a loan taken by third party, at the instigation of the bank.
2. Learned counsel for the bank takes an objection as to the maintainability of the writ petition and submits that the writ petitioner is guilty of suppression of several material facts.
3. For example, the bank has already preferred an application before the concerned Debts Recovery Tribunal-I, Kolkata, bearing OA 242 of 2018, where the petitioner is also a party as the guarantor.
4. It is further submitted by learned counsel for the bank that the loan is to the tune of about

Rs.4,83,00,000/- whereas it has been sought to be played down in the present writ petition.

5. Upon hearing learned counsel, it is clear that the bank has already filed an OA before the concerned Debts Recovery Tribunal impleading the petitioner, who was one of the guarantors in the loan transaction-in-question.
6. A perusal of the order dated April 11, 2022, a copy of which is handed over in court today by learned counsel for the bank, passed in the said OA clearly shows that paper publication has also been made in connection with the same and the petitioner is yet to appear therein.
7. The relief sought in the present writ petition having a direct connection with the subject matter of the OA, since the title deeds were deposited with regard to the loan-in-question, the writ court ought not to interfere since the petitioner has an equally efficacious, if not more efficacious, remedy available by way of canvassing the petitioner's case before the Debts Recovery Tribunal-I in the pending OA and/or any other independent application, if the petitioner so chooses to file.
8. Accordingly, WPA No. 13790 of 2024 is disposed of with liberty to the petitioner to approach the concerned Debts Recovery

Tribunal in the pending OA and/or by an independent application and canvass the case made out here before the tribunal.

9. It is further made clear that this Court has not entered into the merits of the respective contentions of the parties.

10. There will be no order as to costs.

11. 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.)