

04.07.2024
Ct. No. 09
Item No.124
Cp

WPA No. 12772 of 2023

Canara Bank, Kolkata Branch & anr.

Vs.

The State of West Bengal & ors.

Mr. Onkar Ganguly

Mr. Ayanabha Raha

....for the petitioners.

Mr. Amal Kr. Sen

.....for the State.

The petitioner no. 1 is the secured creditor and the petitioner no. 2 is the authorized officer. They allege that the District Magistrate had erroneously returned the application under Section 14 of the SARFAESI Act, 2002 filed by the petitioners. It is specifically contended that the land is not an agricultural land and subsequent documents and affidavit would indicate that the nature and character of the land had changed. Prayer is made that the application which was returned may be accepted once again and proceeded with.

In my view, the bank could file a fresh application indicating the mode and method by which the character of the land changed after the purchase and necessary documents in reliance of such contention shall also be put forward before the District Magistrate by way of a fresh application.

Once such application is filed, the District Magistrate will satisfy himself with regard to the authenticity of the claim of the bank and will also satisfy himself as to whether the other requirements of law for issuance of order under Section 14 of the SARFAESI Act has been complied with.

Accordingly, the District Magistrate shall dispose of the matter within three weeks from receipt of the petitioners' application.

This court has not gone into the merits of the claims and counter-claims.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)