

20.06.2024
Court No.13
Item No.7
AP

WPA 15955 of 2024

**Sri Nirmalya Chakraborty and Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Manisankar Chattopadhyay

... For the petitioners.

Mr. Suman Ghosh

Ms. Ashmita Chakraborty

... For the State.

Ms. Debjani Mitra Neogy

Ms. Rinki Saha

... For the Central Bank of India.

1. The petitioners claim to be bona fide tenants in respect of a property situated at 71, Baroda Avenue Garia, Srirampur, P.O.-Garia, P.S.- Patuli, Kolkata – 700084. The owners of the property are stated to have mortgaged the property to financial institutions, one of whom appears to be the Bank of Baroda. The Central Bank of India also claimed security interest in the said immovable property.

2. Counsel for the petitioners submits that there are other Banks namely Union Bank of India, Bank of Mysore, West Bengal State Cooperative Bank, also claim security interest in the property. He claims that his clients are willing to pay off the dues of any financial institutions.

3. The counsel for the petitioners also submits that the original owners are no longer traceable and they wish to continue to occupy the property. The petitioners and

their family members are running a boutique in the said premises.

4. This Court is of the view that the remedy of the petitioners is before the Debts Recovery Tribunal under the provisions of the SARFAESI Act 2002 since the Bank of Baroda has obtained an order under section 14 of the said Act in the year 2012 and in the year 2016.

5. With liberty reserved to the petitioners as above, the writ petition is disposed of without any orders.

6. The instruction of the Officer-in-Charge, Patuli Police Station dated 20th June, 2024 are taken on record.

7. There shall be no order as to costs.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)