

02.12.2024
Item No.45
Ct. No.35
dc.

W.P.A. 15964 of 2024

Partha Sarathi Ghosh & Anr.
versus
The Superintendent of Police,
South 24 Parganas & Ors.

Mr. D. K. Sengupta,
Ms. Farin Mustaque ... For the Petitioners.

Mr. Jayanta Samanta,
Mr. Siddhartha Ghosh ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners pursuant to the order dated 07.12.2023 passed by Presiding Officer, DRT-III, Kolkata went to collect the movable items which were lying in the secured property and also in Almirahs as per the inventory list. The petitioners complain that when they went to collect the same, they found that some of the properties to be missing and some of the properties to be damaged. Accordingly, the petitioners informed the same to the police authorities by way of information dated 24.05.2024. The grievance of the petitioners is that till date the police authorities have not acted on the same.

Learned advocate appearing for the State has opposed regarding the maintainability of the writ

petition and also submitted that the property is presently under possession of the finance company which was handed over pursuant to the direction passed by the District Magistrate under the relevant provisions of the SARFAESI Act.

Be that as it may, since the DRT-III, Kolkata is in seisin of the matter, I grant liberty to the petitioners first to bring the accusations to the notice of the Presiding Officer, DRT-III, Kolkata in connection with Case No. S.A./142/2022. If the concerned Tribunal/Officer is of the opinion that police assistance is required, the police authorities would respect and obey the order passed by the Tribunal and proceed in accordance with law.

With the aforesaid observations, the writ petition being WPA 15964 of 2024 is disposed of.

There shall be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)