

04.07.2024
Sl. No.17(DL)
srm

W.P.A. No. 16032 of 2024

Prasenjit Acharjee

Versus

The State of West Bengal & Ors.

Mr. Debashis Banerjee,
Ms. Sucheta Pal,
Mr. Rakesh Jana

...for the Petitioner.

Mr. Susovan Sengupta,
Mr. Tarak Karan

...for the State-respondents.

Ms. Parna Roy Choudhury

...for the Bank.

Affidavit-of-service is taken on record.

The petitioner alleges that the order under Section 14 of the SARFAESI Act was passed at the instance of the bank. The bank suppressed that the petitioner was in possession of the property.

Learned Advocate for the Bank submits that the order of the District Magistrate was under challenge before the Debts Recovery Tribunal at the instance of the landlord. In the said application, the presence of the petitioner was not mentioned by the landlord. Thus, the statement that the petitioner is still in possession of the property, is not tenable.

The writ petition is not maintainable. There is an alternative remedy. The petitioner is at liberty to approach the appropriate forum, in accordance with law.

This order shall not be construed as any direction for condonation of delay that may occur in approaching the proper forum.

No coercive measures shall be taken by the bank, for a period of seven days.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)