

08.08.2024
Sl. No.19(DL)
srm

W.P.A. No. 17197 of 2024
Aadhar Housing Finance Limited
Versus
State of West Bengal & Ors.

Mr. Pratip Mukherjee,
Mr. Arijit Ghosh,
Mr. Rahul Modak,
Mr. Koushik Roy,
Ms. Sangita Ray,
Ms. Taniya Khatun

...for the Petitioner.

Mr. Swapan Kumar Datta,
Mr. Rajat Datta

...for the State-respondents.

The petitioner approached the learned Chief Judicial Magistrate, Barasat, North 24-Parganas under Section 14 of the SARFAESI Act. It is alleged that the proceeding is pending since long, before the said court.

The petitioner is a non-banking financial institution.

This Court is of the view that the power of judicial review under Article 226 of the Constitution of India does not include directions upon a judicial officer as to how he should proceed with the matter.

However, the petitioner is granted liberty to approach the District Magistrate, North 24-Parganas, by filing a fresh

application under Section 14 of the SARFAESI Act with all necessary documents, upon withdrawal of the proceedings which have been initiated before the criminal court.

The District Magistrate, if approached, will dispose of the matter positively within sixty days from the date of receipt of the petitioner's application, subject to the condition that all requirements of law are complied with.

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.)