

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 28.08.2024

DELIVERED ON: 28.08.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

M.A.T. 1477 of 2024

**With
IA No. CAN 1 of 2024**

**Ms. Mita Ghosh & Anr.
Vs.**

The District Magistrate, South 24 Parganas & Anr.

Appearance:-

**Mr. Prabir Kumar Ghosh
Mr. Sandip Ghosh**

.....For the Appellants

Ms. Deblina Lahiri

.....For the Respondent

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This appeal is directed against the order dated 4th July, 2024 in W.P.A. 23304 of 2023 by which the appellants/writ petitioners challenged the proceedings initiated by the respondent/bank under SARFAESI Act.
2. After elaborately hearing the learned advocates for the parties and carefully perusing the materials on record, we find that the learned Single Bench was

absolutely right in relegating the appellants to avail the remedy before the Debts Recovery Tribunal.

3. The learned advocate for the appellants submitted that pursuant to an order passed under Section 14 of the SARFAESI Act, the appellants have been dispossessed. This issue also has to be agitated only before the Debts Recovery Tribunal.
4. Therefore, we find no ground to interfere with the order passed by the learned Single Bench.
5. Accordingly, appeal along with the connected application (IA No. CAN 1 of 2024) stand dismissed.
6. After we have dictated the above order, learned advocate for the appellants submitted that in the event appellants have to approach the Debts Recovery Tribunal, the matter should not be rejected on the ground of limitation. In the event, the appellants approach the Debts Recovery Tribunal, the learned Tribunal may exclude the period during which the writ petition was pending till the receipt of the server copy of this order for computing limitation.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)