

05.09.2024
Sl. No.17(DL)
srm

W.P.A. No. 21154 of 2024
State Bank of India & Anr.
Versus
State of West Bengal & Ors.

Mr. Subrata Sinha,
Mr. Debasis Saha,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal
...for the Petitioners.

Mr. Ashim Kumar Ganguly, Id. AGP
Mr. Bella Shaikh
...for the Bank.

Affidavit-of-service is taken on record.

The writ petition has been filed alleging that the District Magistrate, Dakshin Dinajpur has kept the application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 pending since long.

The contention is that the District Magistrate is trying to settle the dispute between the Bank and the borrower. The District Magistrate is mandated by law to act strictly in accordance with Section 14 of the SARFAESI Act.

It appears from the order that the Additional District Magistrate, Dakshin Dinajpur has gone beyond the statute.

Under such circumstances, the writ petition is disposed of directing the concerned authority in seisin of the matter to dispose of the application under Section 14 of the SARFAESI Act, in terms of the provisions of Section 14 and not beyond. The decision shall be arrived at within a month from date.

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.)