

12.09.2024
Court No.09
Item no.14
CP

WPA No. 21347 of 2024

Moktar Chowdhury
Vs.
The State of West Bengal & ors.

Md. Younush Mondal
....for the petitioner.

Ms. Sabnam De Bardhan
Mr. Soumyadip Chakraborty
.....for the State.

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
.....for the PNB.

Mr. Aniruddha Tewari
.....for the respondent no. 7.

One Abdul Nayim Chowdhury was a borrower. He failed to repay the loan advanced by the Punjab National Bank. The account was declared NPA. The bank initiated SARFAESI proceedings. The bank approached the District Magistrate under Section 14 of the SARFAESI Act. Orders were passed with regard to the mortgaged properties. The property comprising of 33 decimals of land pertaining to RS & LR Dag No.1604 under RS Khatian No. 113 corresponding to LR Khatian No.2051/1, North 24 Parganas forms part of the mortgaged property and order had been passed in respect thereof. The land with a building is butted and bounded by the land of Md. Yusuf Ali Molla in the North, land of Foijuidin Molla in the

South, land of Kanu Adhikary in the East and Baburhat Main Road in the West. The said property stood in the name of Abdul Nayim Chowdhury, son of late Deen Mahammad Chowdhury which he purchased by Deed No.-1-475 for the year 2007 registered at the Office of the ADSR-Deganga, North 24 Parganas.

The petitioner has moved this writ petition on the apprehension that the bank will take possession of the petitioner's alleged property which comprises of land with the building standing on 0.04 acres in the same LR Dag No.1604 corresponding to the Khatian No.97/1.

The report of the District Magistrate is taken on record. It appears that the order of the District Magistrate is not over the property claimed by the petitioner. The said property is also a subject matter of a Title Suit with another party.

Under such circumstances, the bank shall not take any steps with regard to the petitioner's property which is allegedly situated on 0.04 decimals of land corresponding to LR Khatian No. 97/1.

This court does not find that there will be any difficulty in identifying the property which had been mortgaged by Mr. Abdul Nayim Chowdhury as the boundaries of the property has been mentioned in the deed. Accordingly, the bank will proceed on the

basis of the deed of Abdul Nayim Chowdhury. In case of confusion, the Block Land and Land Reforms Officer may be approached for the purpose of demarcation. This order shall not be construed as a declaration of the ownership of the petitioner in respect of the property mentioned in the writ petition. This order will not influence the suit.

The writ petition is disposed of accordingly.

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.)