

Item No.16
12.09.2024
Court. No. 9
GB

W.P.A. 21543 of 2024

Prabir Kumar Das

Vs.

District Magistrate, Paschim Bardhaman & Ors.

*Mr. Biswarup Mukherjee,
Ms. Krishnika Chatterjee,
Ms. Srabanti Das*

...for the Petitioner.

*Mr. Dipanjan Datta,
Mr. Sayan Datta*

...for the State.

*Mr. Debasish Saha,
Ms. Sucheta Pal,
Mr. Avirup Roy Sanjal*

...for the Respondents.

Affidavit-of-service filed in Court today, is taken on record.

The writ petition is not maintainable. The remedy of the petitioner was under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner should have approached the said forum in accordance with law.

The contention of the petitioner that the bank could not have accepted the mortgage of the property as the petitioner was only holding a leasehold right in respect thereof, has been proved to be incorrect as there appears to be a permission from the Asansol Durgapur Development Authority dated May 12, 2004, granting the petitioner permission to mortgage the leasehold property being Plot No.A1-18 at Sector-2(A), Bidhannagar, Durgapur.

The other contention of the petitioner that the repeated proposals for settlement has not been entertained

by the bank, is left to be considered by the bank on the basis of the representations of the petitioner and in accordance with law. The bank will inform the petitioner, whether the bank is willing to give him an opportunity or not. The writ court cannot direct the bank to comply with the terms and conditions proposed by the petitioner. The contentions of the petitioner that payments were made even after issuance of the notice under Section 13(2) of the Act, shall also be considered by the bank, while disposing of the proposal of the petitioner.

Under such circumstances, the writ petition is disposed of, without any orders.

Accordingly, the writ petition is dismissed.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)