

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

HEARD ON: 24.04.2024

DELIVERED ON: 24.04.2024

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

**M.A.T. 1794 of 2023
With
I.A. No. CAN 1 of 2023**

**Kapil Dev Shaw
Vs.
Union of India & Ors.**

Appearance:-

**Mr. Dilip Kr. Samanta
Mr. Biswapriya Samanta**

.....for the appellant

Mr. Debashis Saha

.....for the State Bank of India

JUDGMENT

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

1. This intra-Court appeal by the writ petitioner is directed against the order dated 4th September, 2023 in W.P.A. 21476 of 2023 by which the writ petition was disposed of by granting liberty to the appellant to participate in the auction sale of the vehicle, which was re-possessioned from the appellant on account of a default made in the repayment of the loan availed by the appellant.

2. At the outset, we need to point out that the writ petition is not maintainable as this is purely a loan transaction between the appellant and the respondent/bank and merely because the respondent/bank is State Bank of India, a writ cannot be entertained in such manner.
3. In any event, the learned Single Bench has granted certain liberties and it appears that the appellant has not availed such liberty and the respondent/Bank has already sold the vehicle.
4. Hence, we find no ground to interfere with the order passed by the learned Single Bench. Accordingly, the appeal and the connected application stand dismissed.
5. No costs.
6. 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.)