

26.09.2024
Court No.09
Item no.21
CP

WPA No. 24041 of 2024

Mr. Gobinda Singha & anr.
Vs.
The State of West Bengal & ors.

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
Mr. Debjit Mukherjee

....for the petitioners.

Mr. Joydip Banerjee
Mr. Indranil Roy

.....for the State.

Mr. Ranjit Singh
Mr. Amar Singh
Ms. Tutul Das
Ms. Kaberi Mukherjee
Mr. Ratul Banerjee

....for the respondent nos. 3 & 4.

The petitioners submit that an order was obtained from the learned Chief Judicial Magistrate, Barasat, North 24 Parganas by suppressing the application under Section 17 of the SARFAESI Act, which was filed by the petitioners before the DRT-III. According to the petitioners, the order passed by the learned Chief Judicial Magistrate under Section 14 of the Act was erroneous in view of the fact that the proper facts had not been disclosed.

It is submitted that the possession of the property has already been taken, but inventory has not been made and the 'Panchnama' had not been

supplied. Further case is that the order of the learned Chief Judicial Magistrate has not been communicated to the petitioners.

Under such circumstances, the petitioners can raise a dispute in the pending proceeding before the learned DRT with all grievances and the same shall be disposed of in accordance with law.

It is made clear that the order of the learned Chief Judicial Magistrate shall be produced by the finance company before the DRT in order to show that the order was not obtained by suppressing the pending SARFAESI proceeding.

The petitioner will approach the learned DRT within two weeks from date. Till such time, further measures shall not be taken by the finance company with regard to the property in question.

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.)