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29.10.2024
Ssi/
jayanta

Ct. 3

WPA 26407 of 2024

Manoj Chatterjee

-vs-

The State of West Bengal & ors.

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Mr. Pritam Roy
Mr. Koustav Lal Mukherjee
Ms. Sagnika Banerjee
Ms. Aishwarya Bazaz

...for the petitioner

Mr. Saptangshu Basu
Mr. Debjit Mukherjee
Mr. Subir Chatterjee
Ms. Susmita Chatterjee
Mr. Kaustav Bhattacharya
Mr. Debanjan Das
Ms. Priyanka Das

...for the Santosh Kumar Pandey

Mr. Santosh Kr. Ray
Ms. Rituparna Sanyal
Ms. A. Guha

...for the respondent no.5

Mr. Dipanjan Datta
Mr. Kushal Biswas
Mr. Subhajit Chowdhury

...for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

Report filed by the State is also taken on record.

The present writ petition has been preferred
praying for direction upon the respondents to provide
assistance to the writ petitioners to take possession of
the land/property in the present case which they have
purchased by way of an auction. The said purchase
has not been denied by the respondents. The original

owner who has not been made a party in the present case has appeared before this Court and submitted that there being a title dispute between the owners. Suits are still pending. On getting the information as to the said auction, the original owners have taken recourse to Section 17 of the SARFAESI Act and approached the DRT for necessary reliefs. It is further submitted that notice has been served upon the writ petitioner and the next date is fixed on 30.10.2024.

Learned counsel appearing on behalf of the State along with the learned counsel appearing for the Asset Reconstruction Company (India) Ltd. who is the appropriate body for conducting the process under the said Act has appeared before the Court and submitted that though symbolic possession was taken by the Asset Reconstruction Company (India) Ltd, the actual physical possession has not been taken by the company.

It is further submitted that the writ petitioners are to approach the Asset Reconstruction Company (India) Ltd praying for necessary reliefs that is to acquire the possession in respect of the purchased property by way of an auction and the Asset Reconstruction Company (India) Ltd. shall provide all assistance to the writ petitioners for the said process including police protection.

It appears that the writ petitioners have

approached the local police station directly and as such, they have not been provided any assistance.

Accordingly, the writ petition is disposed of with a direction that the writ petitioners shall immediately approach the Asset Reconstruction Company (India) Ltd. who shall assist the writ petitioners to get possession of the suit property in accordance with law and if necessary, take the assistance of the police.

Parties shall act on a server copy downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)