

17.12.2024
Sl. No.29(DL)
srm

W.P.A. No. 27877 of 2024

Sonali Dutta

Versus

The State of West Bengal & Ors.

Mr. Mit Guha Roy

...for the Petitioner.

Mr. Wasim Ahmed,
Md. Shehabuddin

...for the State-respondents.

Mr. Rupal Singh,
Mr. Ashok Kumar Singh

...for the Respondent Nos.4 & 5.

Ms. Tutul Das Singh,
Ms. Pooja Sett,
Mr. Ratul Deb Banerjee,
Ms. Anuska Ray

...for the Respondent No.6.

Mr. Souma Subhra Ray,
Mr. Sabyasachi Jana

...for the Respondent No.7.

Affidavit-of-service so filed be kept with the record.

Learned Advocate for the petitioner submits that the petitioner is being harassed by different bank authorities in spite of the property being purchased in an auction.

Learned Advocate for the private respondent No.4 submits that so far as the representation which has been furnished with the police authorities, the same do not make

out any offence and as such the petitioner must be relegated to the jurisdictional Magistrate.

Learned Advocate for the Central Bank of India is present.

Pursuant to the service effected by the police authorities, learned Advocate for the Karur Vysya Bank is also present and submits that there are dues in respect of the property for which the petitioner is representing.

From conspectus of whole of the issues which has been canvassed in the writ petition, I find that the petitioner if he has purchased a property from an auction, then he must be protected with remedies under the law. So far as the property is concerned, the petitioner would approach the appropriate Tribunal dealing with banking disputes. So far as the other issue is concerned that in respect of the same property number of banks are coming up or loan has been taken by using the same property, I direct that the petitioner would submit a fresh complaint with the Anti Cheating/Anti Fraud Cell of CID, West Bengal, Bhawani Bhawan, Calcutta. The ADG, CID, West Bengal would depute an officer of his choice for finding out if any case of cognizable offence is made out. The concerned officer then will proceed in accordance with law.

With the aforesaid observations, writ petition being WPA 27877 of 2024 is disposed of.

There shall be no order as to costs.

Report so submitted by the State be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)