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18.01.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 28800 of 2023

Rajib Kumar Bhowmick
Vs.
The Union Bank of India & Ors.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay
...for the petitioner

Mr. Ranajit Chowdhury,
Mr. Sudipto Chowdhury,
Ms. Aparupa Chakraborty
...for the Bank

1. Affidavit-in-opposition and affidavit-in-reply filed today be kept on record.
2. Learned counsel for the Bank submits that the writ petition has become infructuous as the sale which has been impugned herein has not gone through, there being no bidders, apparently due to paragraph 4 of the order dated December 22, 2023, which made the sale subject to the outcome of the writ petition.
3. Learned counsel for the petitioner submits that the affidavit-in-opposition itself discloses that there is a pending proceeding before the Debts Recovery Tribunal and the Bank acted without jurisdiction in attempting to sell the property without taking appropriate permission from the Tribunal.

4. Be that as may, since the sale, which has been assailed herein, has itself not gone through, the very challenge becomes infructuous.
5. Accordingly, W.P.A. No. 28800 of 2023 is disposed of on the above observations.
6. In the event the Bank has to take further steps for sale of the secured assets, needless to say, the respondent-Bank has to take steps in accordance with law upon issuance of a fresh sale notice.
7. There will be no order as to costs.
8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)