

September 27, 2024
Sl. No.JPD 2
Court No.9
s.biswas

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2435 of 2023

Baladeb Saha

vs.

The State Bank of India and others

Mr. Srijib Chakraborty
Mr. Debarshi Dhar

... for the petitioner

Mr. Utpal Saha
Ms. Puja Bhupal

... for the respondent nos.1 and 2

1. The writ petition has been filed challenging an order dated April 21, 2022 and the letter written by the Receiver pursuant to the said order passed in RC/16/2021. The bank had filed an original application for recovery of money. The proceeding was decreed. The bank initiated recovery proceeding. The bank prayed for attachment of the property. The Receiver was appointed. The Receiver was directed to take physical possession of the mortgaged property. The concerned Superintendent of Police was requested to direct the Officer-in-Charge of the concerned police station to render all necessary assistance. The Receiver's report was to be filed with the minutes of the meeting.
2. Such order is under challenge before this court along with the letter written by the Receiver to

the petitioner asking the petitioner to hand over physical possession.

3. In the opinion of the court, the writ petition is not maintainable. The petitioner has an efficacious remedy before the concerned Debt Recovery Tribunal. The petitioner is at liberty to approach the proper forum. The allegation that the order was passed by the Recovery Officer in violation of certain orders of the High Court, can also be raised before the proper forum.
4. The writ petition is accordingly disposed of.
5. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)