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WPO/92/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

CHOLAMANDALAM INVESTMENT AND FINANCE CO. LTD.
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 22nd February, 2024.

Appearance:
Mr. Shaunak Ghosh, Adv.
Mr. Raju Kumar, Adv.
...for the petitioner

Ms. Tuli Sinha, Adv.
...for the State

The Court: Affidavit of service filed today be kept on record.

Although the service on the borrower cannot be deemed to be proper, in view of the nature of the order proposed to be passed, such service is not deemed necessary, as no rights of the borrower shall be affected by the outcome of the present writ petition.

The petitioner/financial institution obtained an order under Section 14 of the SARFAESI Act from the concerned District Magistrate. In the said order one Smt. Rani Bhattacharya was appointed as an authorized representative on behalf of the District Magistrate to take physical possession whereas subsequently, the petitioner came to know that the concerned officer had been transferred to some

other place as normal posting. As such, the petitioner made a representation before the District Magistrate seeking appointment of a new authorized representative. Such representation dated November 10, 2023 annexed at page 46 of the writ petition is still pending.

Accordingly, WPO/92/2024 is disposed of by directing the District Magistrate, North 24 Parganas, that is, respondent no.2 herein to decide on the representation of the petitioner dated November 10, 2023 and appoint a new authorized representative on behalf of the District Magistrate to take physical possession at the earliest, positively within a fortnight from date.

There will be no order as to costs.

(SABYASACHI BHATTACHARYYA, J.)