

**09.12.2025.
06
Ct.No.24.
as**

**WPA 259 of 2025
with
CAN 1 of 2025**

**Chayanika Chakraborty & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sandip Mandal,
Mr. Suvendu Hazra.

...for the Petitioners.

Mr. Abhishek Bhattacharjee.

...for the Respondent Bank.

CAN 1 of 2025

1. Affidavit of service as filed, be kept on record.
2. This is an application seeking recalling of an order passed by a Co-ordinate Bench of this Court dismissing WPA 259 of 2025 for default dated February 24, 2025.
3. Sufficient grounds have been made out for recalling the order of dismissal. The said order is recalled and the application being CAN 1 of 2025 is disposed of.
4. Let WPA 259 of 2025 be restored to its original file and number.

WPA 259 of 2025.

5. The petitioners are aggrieved that in the absence of any measure under Section 13(4) of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the

said Act), the petitioners are unable to approach the Debts Recovery Tribunal to ventilate their grievances.

6. The respondent Bank submits that pursuant to a notice under Section 13(2) of the said Act issued by the bank on September 28, 2023, steps have already been taken under Section 14 of the said Act and an order has been passed by the Chief Judicial Magistrate on October 25, 2024.

7. This order passed by the Chief Judicial Magistrate under Section 14 of the said Act, clearly qualifies as a measure taken under Section 13(4a) of the said Act. Having taken such action/measure, the same is liable to be challenged, if so deemed fit, before the Debts Recovery Tribunal, which is a statutory remedy available to the petitioners, which the petitioners have to avail.

8. In view of the aforestated, I am not inclined to entertain the present writ petition, as the petitioners have their remedies etched out clearly in the said statute.

9. Accordingly, the writ petition is dismissed.

10. There shall be no order as to costs.

11. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.

12. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rectobroto Kumar Mitra, J.)