

D/L 8
17.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 1376 of 2025

Sadek Ali Khan & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Sandip Mandal

...for the Petitioners.

*Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
Ms. Aratrika Saha*

...for the Bank.

*Mr. Rajarshi Basu
Mr. S.T. Mina*

...for the State

1. The petitioners are aggrieved by certain steps taken by the respondent bank under the provisions of the SARFAESI Act. It appears that the petitioners have already approached the Debts Recovery Tribunal for relief by filing an interim application for stay of the operation of the order dated 21st August, 2024 passed by the learned Additional Chief Judicial Magistrate, Arambagh.
2. The instant writ petition has been filed on the self-same cause of action with the same prayer but without disclosing the fact of approaching the Debts Recovery Tribunal for relief.
3. The aforesaid fact has been brought to the notice of the Court by the learned counsel representing the bank.
4. It appears that, there has been gross suppression of material fact by the petitioners. The petitioners, on one hand have approached the Tribunal for relief and, on the other, have approached this Court for the same relief. The same is impermissible in law.
5. Accordingly, the writ petition fails, and is hereby dismissed.

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

(Amrita Sinha, J.)