

20.11.2025.
36
Ct.No.24.
as

WPA 1629 of 2025

Syed Shah Amaan Hossain
Vs.
Union Bank of India & Ors.

Mr. Abhidipto Tarafder,
Ms. Sampurna Saha.
...for the Petitioner.

Mr. Ranajit Chowdhury.
...for the Respondents.

1. The petitioner is a successful purchaser, pursuant to an auction, of a property. The petitioner has paid the entire consideration value of Rs.93.10 lakhs and has been put in possession since. The petitioner further submits that the petitioner has not been made a party to the proceeding in which the order of status quo was passed by the Debts Recovery Tribunal on January 19, 2024.
2. The borrower and the guarantor have not challenged the action of the bank conducting the sale or handing over possession.
3. Strangely enough, it was a tenant who challenged such sale and obtained an order of status quo from the Debts Recovery Tribunal on January 19, 2024.
4. Due to this order of status quo, the petitioner has not obtained a valid registration of the sale certificate from the bank. The petitioner is aggrieved by this act of the bank in not registering the sale certificate.

5. Mr. Chowdhury on the other hand, appearing for the respondent Bank, submits that the bank cannot act in derogation of the order of January 19, 2024, obtained by the tenant. He further submits that the tenant has taken all his belongings (moveables) from the concerned premise and is no longer pursuing the matter. In fact, the bank has also made an application for recalling the order of January 19, 2024, which has been pending since 2024 before the Debts Recovery Tribunal –I, Kolkata.

6. In these rather peculiar circumstances, the Tribunal has permitted this order of January 19, 2024 to continue without taking up the application for recalling such order at an early date.

7. The petitioner and the bank are both suffering, the consequences of the order of January 19, 2024. The parties are at liberty to apprise this present situation to the concerned Tribunal and to request the said Tribunal to take the matter on an urgent basis and dispose of the same expeditiously.

8. With the aforestated observation, the writ petition is disposed of.

9. There shall be no order as to costs.

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

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

(Rectobroto Kumar Mitra, J.)

