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06.03.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 1762 of 2025

**Sulata Karmakar & Anr.
-versus
Union of India & Ors.**

**Mr. Dhiman Roy,
Mr. Pritam Modak,
Mr. Dip Chanda.
...For the Petitioners.**

**Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Ms. Aishwarya Datta,
Mr. Anik Bhattacharya.
...For the Respondent No.3.**

1. The petitioners are aggrieved by the act on the part of the secured creditor in defacing the outer wall of the secured asset which the petitioners are occupying.

2. Admittedly, a proceeding under SARFAESI Act is pending consideration before the Learned Debts Recovery Tribunal.

3. The petitioners, being the borrowers have defaulted in making payment of the loan amount in proper time. The secured creditor is apprehensive that the petitioners may create third party right over the secured asset for which the secured creditor has mentioned in the outer wall of the property that the same belongs to GIC Housing Finance Limited, the secured creditor.

4. For the purpose of protection of their property, the petitioners have already whitewashed the outer walls.

5. Learned advocate appearing on behalf of the petitioners submits that the petitioners undertake not to transfer the secured asset during the pendency of the SARFAESI proceeding.

6. Accordingly, the GIC Housing Finance Limited is restrained from performing any such act in future.

7. The writ petition stands disposed of.

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

(Amrita Sinha, J.)