

2411
2025
MONDAY

Court : MB-24
Item : AD-01
Status : DISMISSED
ID : 266312
AR : NANDY

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26137 OF 2025

ADIL IQBAL KHAN
VS.
THE STATE OF WEST BENGAL & ORS.

MR. ANIRBAN DAS, ADVOCATE

.....for the Petitioner

MR. AVISHEK GUHA, ADVOCATE

MS. SHILPA DAS, ADVOCATE

.....for the Respondent No. 4

MR. SANTANU KUMAR MITRA, ADVOCATE

MS. AMRITA TEWARI, ADVOCATE

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner alleges that the respondent no. 4 is taking steps to dispossess the petitioner from the mortgaged property for a home loan availed by the petitioner from the ICICI Bank. The petitioner also submits that an application under Section 17 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act), filed sometime in the year 2023 before the Debts Recovery Tribunal – III, Kolkata, is pending adjudication.
3. It appears that the petitioner has not taken any steps in respect of the application under Section 17 of the said Act.
4. Mr. Guha, learned Advocate, representing the respondent no. 4, submits that a sum in excess of Rs.1 Crore is due and payable by the petitioner towards liquidation of the loan. He further submits that the petitioner having already filed an application under Section 17 of the said Act, has an alternative and efficacious remedy available to him to ventilate his grievances.

5. It is clear that the petitioner does have an alternative and efficacious remedy and has also availed of the same by filing an application under the said Act before the Tribunal.
6. In view thereof, **WPA 26137 of 2025** is **dismissed**. No order as to costs.
7. Urgent Photostat Certified Copy of this order, be given to the parties, if applied for.

(REETOBROTO KUMAR MITRA, J.)