

M/L 14
03.03.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2053 of 2025

Hemanta Kumar Mal
Vs.
IDFC First Bank Ltd. & Ors.

Mr. Sanjib Dawn
Ms. Jeenia Rudra

...for the Petitioner.

Mr. Biswajit De
Mr. Ashok Kr. Sarkar

...for the State.

Mr. Amar Singh
Mr. Ranjit Singh
Ms. Tutul Das
Mr. Ratul Deb Banerjee
Ms. Anuska Ray

...for the Respondent no. 1

1. The petitioner is aggrieved by the act of the bank in hiring muscle men to obtain possession of the secured asset.
2. The aforesaid allegation of the petitioner is denied by the learned advocate representing the bank. It has been submitted that, the bank is taking steps to execute the order passed by the learned Additional Chief Judicial Magistrate, Serampore, Hooghly on 20th September, 2024 in MC Case No. 307 of 2024.
3. Learned advocate representing the petitioner submits that, the order passed by the learned Magistrate records that the bank filed all documents in support of the application made under Section 14 of the SARFAESI Act. According to the petitioner, the subject documents were not filed by the bank before the learned Court below. There is no notice under Section 13(2) of the Act.

4. The issue raised by the petitioner in the instant writ petition cannot be adjudicated by this Court, as the same are all disputed by the bank.
5. It will be open for the parties to avail all remedies in law, if so advised.
6. The writ petition stands disposed of.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)