

07-05-2025
Item No.113 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.2665 of 2025

Indian Bank

-vs-

State of West Bengal & Ors.

Mr. Pratip Mukherjee
Mr. Kaushik Modal
Ms. Mousumi Pal ...for the petitioner

Mr. Amitava Mitra
Mr. Naman Agarwal ...for the State

1. It is alleged that an order dated October 29, 2024 (Annexure P7, p.60) passed by the District Magistrate & Collector, Paschim Bardhaman under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is yet to be executed.
2. From the documents annexed to the writ petition, it appears that direction was passed by the District Magistrate to take over physical possession of the secured asset. The bank already paid necessary charges for providing police assistance. On the day when the matter was fixed for taking possession, the Executive Magistrate failed to turn up. The order remains unexecuted till date.
3. As the District Magistrate already passed order way back on October 29, 2024 for taking over physical possession of the secured asset, accordingly, the District Magistrate ought to

ensure that the order is actually complied with.

4. In view of the above, the District Magistrate, Paschim Bardhaman is directed to take necessary steps for executing the order dated October 29, 2024 at the earliest, but positively within eight weeks from the date of communication of this order.
5. The petitioner shall not be required to pay any further charges for police assistance as charges were already remitted by the petitioner by way of treasury challan on December 30, 2024.
6. The writ petition is disposed of.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

