

D/L 17
04.03.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 3022 of 2025

Sipra Roy & Anr.
Vs.
Indian Bank & Ors.

Ms. Santi Das
Mr. Barun Ghosh

...for the Petitioners.

Mr. Shiv Mangal Singh
Ms. Anjali Mishra

...for the respondent no. 1.

Mr. Tathagata Majumdar
Ms. Neha Chakraborty

...for the respondent no. 4

1. Report in the form of an affidavit filed on behalf of the Bank is taken on record. A copy of the same has been served upon the petitioner in Court today.
2. The petitioners are aggrieved by the steps taken by the bank to recover the loan amount. The petitioners claim that, they are not the borrowers but the owners of the subject property, portion of which the bank intends to put up for auction as the said portion has been mortgaged to the bank.
3. SARFAESI Act provides for seeking adequate relief before the Debts Recovery Tribunal. It will be open for the petitioners to approach the learned Tribunal for relief as provided under the SARFAESI Act. The writ petition cannot be held to be maintainable under the facts and circumstances of the present case.
4. The writ petition, accordingly, stands dismissed.
5. 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.)