

D/L 44
21.02.2025
Bpg.
ct.no.35

W.P.A.3389 of 2025

**Subir Mondal
Versus
The State of West Bengal & Ors.**

Mr. Shyamal Roy.
...for the petitioner.

Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee.
...for the State-respondents.

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury.
...for the respondent/bank.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that in
spite of informing the Superintendent of Police,
Paschim Medinipore, no action has been taken.
Petitioner complains of atrocity at the hand of the
agents of the bank authorities.

Learned advocate for the bank submits that
pursuant to directions passed by the District
Magistrate in discharge of the function and with aid
and assistance of the police, the possession of the
property was taken in December, 2023. The
subsequent events which have been reported to the
Superintendent of Police are mere manipulation of
facts without any foundational basis.

State has submitted a report. Report reflects that the petitioner was a defaulter for the purposes of which by exercising the relevant provisions of law, the bank authorities took physical possession of the property and the execution was carried out on 24.12.2024.

Having considered that the tribunal is also in seisin of the matter in respect of some accusations made, I am of the view that the police authorities being physically present at the time of execution of the order passed by the District Magistrate and a specific enquiry being carried out and the finding arrived at that the factum of damage to the property and/or stealing of the properties were not substantiated, I am of the view that in order to circumvent the process of law the petitioner lodged the complaint. As such, no interference is called for from this Court.

Accordingly, WPA 3389 of 2025 is dismissed.

There will be no order as to costs.

Report submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)