

25-02-2025
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.4529 of 2025
Sk. Moshihur Rahaman

-vs-

The State of West Bengal & Ors.

Md. Sarwar Jahan
Mr. Maidul Islam Koyal
Mr. Sumit Naskar
Mr. Noorul Amin Sardar
Mr. Archisman Singh ...for the petitioner

Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu ...for the State

Mr. Ranjit Singh
Mr. Amar Singh
Ms. Tutul Das
Mr. Ratul Deb Banerjee
Ms. Anusua Roy ...for the finance company

1. Affidavit of service is taken on record.
2. The petitioner took loan from IIFL Home Finance Limited, the sixth and seventh respondents herein. For settlement of the loan account, the finance company has approached the District Legal Services Authority, Kolkata and the matter has been fixed for hearing before the National Lok Adalat on March 8, 2025.
3. In the meantime, the petitioner has been served with a possession notice from the Court Bailiff-cum-Court Commissioner, Chief Judicial Magistrate Court, South 24 Parganas, Alipore dated February 17, 2025 (Annexure P2, p.15) intimating that physical possession of the subject

property would be taken on and after February 25, 2025.

4. Learned counsel representing the petitioner and the finance company both submit that the parties intend to go for settlement and that the subject notice may be stayed for the time being.
5. In view of the above, the possession notice dated February 17, 2025 is directed to be kept in abeyance till March 13, 2025.
6. It will be open for the parties to take necessary steps before the National Lok Adalat scheduled on March 8, 2025.
7. In the event the settlement before the National Lok Adalat fails, it will be open for the finance company to take steps in the matter, in accordance with law.
8. The writ petition is accordingly disposed of.
9. Since the writ petition is disposed of without calling for affidavits, the allegations contained therein are deemed not to have been admitted by the respondents.
10. Leave granted to the learned advocate representing the finance company to file the *vakalatnama* in the department in course of the day.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

