

ML 108
11.06.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 5763 of 2025

Punjab National Bank
Vs.
State of West Bengal & Ors.

Mr. Abhishek Banerjee.
Ms. Parna Roy Chowdhury.

... For the petitioner.

Md. Ahsanuzzaman.
Ms. Sucheta Banerjee.

... for the State.

1. The writ petition, at the instance of the Bank, is for implementation of the order passed by the District Magistrate under Section 14 of the SARFAESI Act.
2. It appears that the District Magistrate has already passed order for taking physical possession of the secured asset but the said order cannot be implemented as the same cannot be served upon the borrower, who is currently in jail custody.
3. The Deputy Superintendent of Police (DEB), Barasat Police District has forwarded a report signed on 19th March, 2025 mentioning that the police is ready to give police assistance for taking over physical possession of the secured asset.
4. As it appears that the District Magistrate has already passed order for obtaining physical possession, accordingly, it is the obligation of the said authority to ensure that the order is executed without any delay.

5. The copy of the order of the District Magistrate passed under Section 14 of the SARFAESI Act is directed to be served upon the borrower through the jail Superintendent.
6. On service of the same upon the petitioner in the manner prescribed hereinabove, the District Magistrate shall take steps to ensure that the order under Section 14 is executed at the earliest without any unnecessary delay.
7. The writ petition stands disposed of.
8. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Amrita Sinha, J.)