

ML 11
07.07.2025
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 6494 of 2024
With
IA No. : CAN 1 of 2025**

**Anjaneya Steel & Anr.
-versus-
The State of West Bengal & Ors.**

**Mr. Sanjib Dawn.
Mr. Pawan Kumar Gupta.
Mr. Ranabir Banerjee.
Mr. Abhimanyu Banerjee.
Mr. Santanu Sett.
Ms. Sayani Chatterjee.
...For the Petitioners.**

**Md. Sk. Galib.
Ms. M. Ganguly.
Ms. Ashmita Chakraborty.
... For the State.**

**Mr. Shiv Mangal Singh.
... For the respondent nos. 10 and 11.**

1. The petitioners are aggrieved by the steps taken by the State Bank of India to recover the secured loan.

2. Learned advocate for the petitioners stresses on the fact that the petitioners are the tenants of the secured asset and the petitioners are neither the borrowers nor the guarantors.

3. It has been submitted that after notice was issued under Section 13 (4) (d) of the SARFAESI Act, the petitioners started paying rent to the bank and the bank is accepting the rent from the petitioners.

4. It has been submitted that it is not the responsibility of the petitioners to pay off the loan taken by the borrowers.

5. The petitioners seek for a direction upon the bank not to take any further steps for dispossessing or ousting the petitioners from the secured asset.

6. From the documents annexed to the writ petition, it appears that admittedly notice under Section 13(4) (d) of the Act was issued to the petitioners way back in 2018. If the petitioners are at all aggrieved by the steps taken by the secured creditor to recover the loan amount, the petitioners ought to take steps under the provisions of the Act to approach the Debts Recovery Tribunal for relief.

7. It will not be proper, at such a belated point of time, to interfere with the proceeding initiated by the bank under the Act to recover the due amount.

8. In view of the above, no relief can be granted to the petitioners in the instant case.

9. The writ petition fails and is hereby dismissed.

10. It is made clear that dismissal of the writ petition will, however, not stand in the way of the petitioners to approach the statutory forum for relief in accordance with law, if so advised.

11. The connected application being CAN 1 of 2025 is disposed of.

12. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)