

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 22.04.2025

DELIVERED ON: 22.04.2025

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

**M.A.T. 429 of 2025
With
I.A. No. C.A.N. 1 of 2025**

**Sanjoy Bachhar & Anr.
Vs.
State of West Bengal & Ors.**

Appearance:-

**Mr. Kamalesh Bhattacharya
Mr. Ashoke Kumar Nath**

.....For the Appellants

**Mr. Hareram Singh
Ms. S. Auddya**

..... For the Respondent Nos.3 & 4

Ms. Debanjana Dey Nayak

.....For the State

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the writ petitioners is directed against the order dated March 20, 2025 in W.P.A. 3872 of 2025 by which the writ petition filed by the appellants against the private finance company, who had taken action under the provisions of the SARFAESI Act was dismissed.
2. The learned advocate appearing for the appellants placed reliance on the decision of the Hon'ble Supreme Court in the case of ***U. P. State Co-operative Land Development Bank Ltd. Vs. Chandra Bhan Dubey*** reported in ***AIR 1999 SC 753*** to support his contention that the writ

petition is not maintainable since the respondent no.3/private finance company is invoking the provisions of the SARFAESI Act.

3. The appellants in the said reported decision was a Co-operative Land Development Bank and considering those facts and circumstances, the Hon'ble Supreme Court held that the High Court would be entitled to invoke the jurisdiction under Article 226 of the Constitution of India since the affairs of the Co-operative Society are controlled by the State Government. The factual position, in the instant case, is entirely different and the respondent no.3 being a private finance company, the learned Single Bench was right in dismissing the writ petition.
4. Accordingly, the appeal fails and dismissed along with connected application (I.A. No. C.A.N. 1 of 2025).
5. The dismissal of this appeal will not prevent the appellants from approaching the appropriate forum in accordance with law.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)