

D/L 5
17.04.2025
Kausik
ct.no.35

W.P.A. 8030 of 2025

**Amal Sen Das & Anr.
Versus
State of West Bengal & Ors.**

Mr. Pijush Kanti Ray
Mr. Soujanya Bandopadhyay

...for the petitioner.

Mr. Anuj Sinigh
Ms. Trinisha De
Ms. Rupal Singh
Ms. Ritika De
Mr. Ashok Kumar Singh

...for the respondent no. 4.

Mr. Sudipto Panda
Ms. Ananya Neogi

...for the state.

In view of the submissions advanced by the petitioner and the respondent no. 4 as also the report submitted by the Additional Officer-in-charge, Regent Park Police Station it is palpably clear that the possession of the property has been taken over by the respondent no. 4 namely, Protium Finance Limited.

Records of the Case No. SA 1087 of 2024 reflects that there was a status quo order passed by the learned Presiding Officer DRT – 3 on 28.02.2025 and the date for hearing of the interim application was fixed on 30.04.2025.

While the petitioner contends that in spite of the order passed by the Debts Recovery Tribunal, the respondent no. 4 has taken over possession of the property, on the other hand, learned advocate for the respondent no. 4 submits that there was a settlement agreement entered into which was violated pursuant to which physical possession has been taken of the property.

Be that as it may, since a tribunal is already in seisin of the issue, I direct that respondent no. 4 will not alienate the property in favour of any third party without any leave obtained from the Presiding Officer DRT – 3 who is in seisin of SA 1087 of 2024. Keys of the said property be handed over to the nominated Officer of DRT – 3 in connection with SA 1087 of 2024.

Petitioner and respondent no. 4 will agitate further grievance relating to the dispute before the concerned tribunal which is already in seisin of the issues concerned. So far as the police authorities are concerned, police authorities were only present to oversee that there is no breach of the peace and tranquility and no responsibility can be fixed up on police authority regarding the possession of the property concerned.

With the aforesaid observations WPA 8030 of 2025 is disposed of.

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

(Tirthankar Ghosh, J.)