M/L 136
23.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 8253 of 2025

Rakesh Sheth
Vs.
Punjab National Bank & Ors.

Mr. Aranyak Saha
…for the Petitioner.

Ms. Samapti Roy
…for the Respondent nos. 1-4

Mr. Vivek Basu
Ms. Ipsita Ghosh
…for the Respondent nos.6-8.

1. The petitioner claims to be an intending purchaser of an auction property. He is neither the borrower nor the guarantor. He merely intends to purchase a property which has been put up for auction by the bank for the purpose of recovery of the loan amount.
2. Grievance of the petitioner is that the bank has accepted the offer to sell the property at rupees eighty three lakh ignoring the proposal of the petitioner to purchase the property at a consideration amount of rupees one crore and more.
3. Learned advocate representing the bank submits that the writ petition is not maintainable. The secured asset had been put up for auction and the bid of the highest bidder had been accepted and sale certificate was issued way back on 11th December, 2024. None has challenged the sale till date.

4. Learned advocate for the private respondents, i.e., the defaulting borrower submits that several proposals were placed before the bank for selling the property to the petitioner.
5. Upon hearing the parties and on perusal of the documents placed on record, it appears that the petitioner is no way connected with the loan account. The bank has proceeded to recover the debt by selling the secured asset. Sale certificate has been issued long back and the same has not been questioned by any party till date.
6. At this stage, the writ petition at the instance of the petitioner, seeking direction upon the bank in respect of the sale which was executed in December, 2024, cannot be accepted.
7. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)