

M/L 314
20.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 9590 of 2024

Anima Dutta
Vs.
The State of West Bengal & Ors.

*Mr. Kamalesh Bhattacharyya,
Ms. Sofia Nesar*

...for the Petitioner.

*Mr. Jayanta Samanta, Jr. Govt. Adv.
Mr. Kaustav Chatterjee*

...for the State.

1. The petitioner is aggrieved by the steps taken by the State Bank of India for recovery of the loan amount. The petitioner alleges that he is neither the borrower nor the guarantor of the loan. A civil suit seeking declaration of ownership right in respect of the secured asset is pending consideration before the learned Civil Court.
2. The petitioner alleges that the bank has proceeded under Section 14 of the SARFAESI Act and is trying to take possession of the secured asset.
3. According to the petitioner, the bank is proceeding to recover the loan contrary to the order passed by the learned Civil Court.
4. It has further been submitted that the order under Section 14 which was passed on 20th February, 2024 has lost its force as the same was valid only for a period of six months.
5. The petitioner relies upon an order passed by a coordinate Bench of this Court on **22nd January, 2019** in the matter of **Anjana De & Ors. Vs. Chief Manager, PNB & Ors.** wherein the Court held that the order

passed by the bank contrary to the order passed by the Civil Court is not sustainable in law.

6. Prayer has been made to restrain the bank from taking steps to alter the possession of the petitioner in the secured asset which is the subject matter of the suit.
7. I have heard the submissions made on behalf of both the parties.
8. In *Anjana De (supra)*, it appears that the petitioner and private respondent therein were the joint owners of the subject property. In the instant case, the right of the petitioner as owner is yet to be decided. A suit is pending consideration before the learned Civil Court.
9. It appears that the bank has taken steps to recover the loan amount in accordance with the SARFAESI Act.
10. According to the Act, any person aggrieved by any steps taken by the secured creditor to recover the loan amount, may approach the Debts Recovery Tribunal for relief.
11. As the petitioner also alleges violation of the direction passed by the learned Civil Court, it will be open for the petitioner to either approach the learned Civil Court or the learned Tribunal for necessary relief, in accordance with law, if so advised.
12. 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.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)