

A-98
22.09.2025
AGM

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

W.P.A 9519 of 2025

**Sri Ajit Kumar Dutta
-versus
The State of West Bengal & Ors.**

**Mr. Debdipta Banerjee.
Mr. Soumen Banerjee.
...For the Petitioner.**

**Mr. Malay Singh.
Ms. Neelam Singh.
...For the State.**

1. Affidavit-of-service filed in Court today be kept with the records.

2. The petitioner claims to be a senior citizen. He along with twenty other senior citizens are currently residing at the premises being holding No. 446/A, 10, Ramkrishna Pally, Madhyamgram, Police Station, Kolkata-700155.

3. The petitioner along with other members have come to learn that the owner of the property obtained loan by keeping the subject property in mortgage and on defaulting in making payment, the financial institution took steps for recovery of the loan amount under the provisions of the SARFAESI Act, 2002.

4. Application under Section 14 of the Act was made before the Chief Judicial Magistrate by the secured creditor and an order has been passed by the

learned Magistrate for taking over possession of the subject property.

5. The petitioner does not raise any issue with the order passed. It has been submitted that as the occupants of the subject property are all senior citizens and the property is being used as an old age home, the occupants be given some time to vacate the same.

6. The petitioner claims to have got knowledge of the order passed by the Learned Magistrate only in 6th April, 2025 and immediately thereafter steps were taken to move the instant writ petition.

7. Learned advocate for the petitioner undertakes that by the end of January, the petitioner along with the other members will try to vacate the property.

8. The report of the Inspector of Police Madhyamgram PS, Barasat Police District dated 13th May, 2025 has been placed before the Court by the learned advocate appearing for the State respondents. The same is retained with the records.

9. The report of the police suggests that the place is being used as an old age home styled as "Swapnadiya- the senior living" and the petitioner along with twenty other old aged boarders are living at the said premises.

10. Keeping in mind the humanitarian aspect of the senior citizens who are currently occupying the subject property, time is given till 31st January, 2026 for vacating the same.

11. After expiry of the aforesaid time period, it will be open for the secured creditor to take steps in the matter in accordance with law.

12. The writ petition stands disposed of.

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

(Amrita Sinha, J.)