

D/L 12
26.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 10571 of 2025
(CAN 1 of 2025)

Jagajiban Dhali

Vs.

The West Bengal State Co-operative Bank Ltd. &
Ors.

Mr. Rabindra Kumar Mitra

Mr. Sourjya Das

Ms. Poulomi Bhowmick

...for the Petitioner.

Mr. Sukanta Chakraborty

Mr. Anindya Halder

...for the Respondent no. 1.

Mr. Manik Lal Poddar

...for the Applicant.

1. The petitioner stood as a guarantor to a loan obtained by the respondent no. 2 from the bank. The bank has taken steps for recovery of the loan amount under the provisions of the SARFAESI Act. The petitioner claims to be one of the co-owners of the said property.
2. A possession notice has been issued in January, 2025. Challenging the same the writ petition has been filed by the petitioner in May, 2025 alleging that the petitioner is no way connected with the loan. The notices under the provisions of the SARFAESI Act were not served upon the petitioner.
3. Prayer has been made to set aside the possession notice which, according to the petitioner, is a vague one, bereft of all necessary details.
4. Learned advocate representing the bank draws attention of the Court to the averment made by the petitioner

specifically mentioning that the petitioner was made to sign as guarantor for the loan obtained by the respondent no. 2 from the bank.

5. The aforesaid averment makes it very clear that the petitioner was aware of the loan agreement. The loanee failed to liquidate the loan amount and the bank has taken steps to recover the same in accordance with the Act.
6. Any person aggrieved by any steps taken by the secured creditor to recover the loan amount ought to approach the statutory forum for relief.
7. The relief sought for by the petitioner in the present writ petition cannot be allowed. The writ petition fails and is hereby dismissed.
8. The connecting application filed by one of the co-owners of the secured asset stands on the same footing as that of the petitioner. Accordingly, the connected application also stands dismissed.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)