

13.
01-07-2025
(Ct. no.14)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE**

WPA 13988 of 2025

**Manika Dutta & Anr.
Vs.
UCO Bank & Anr.**

Mr. Suman Saha

... For the Petitioners.

Mr. Dyutimoy Paul,
Mr. Sachetan Ghosh

... For the Bank.

1. The petitioners are aggrieved by the step taken by the bank to recover the loan amount under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002.

2. It has been submitted that there is no mention about the provision of law under which the bank directed the petitioner to vacate the secured asset. The loanee expired long back and the bank ought to take steps in the matter after giving due opportunity to the heirs and legal representatives of the deceased borrower to defend their case.

3. According to Section 17 of the SARFAESI Act, any person aggrieved by any steps taken by the secured creditor to recover the loan amount, ought to approach the Debts Recovery Tribunal for relief.

4. In the present case, notice of sale under the SARFAESI Act was published by the bank in the year 2021 and presently the bank intends to recover possession of the secured asset.

5. In view of the above, no relief can be granted to the petitioners in the instant case. The writ petition fails and is hereby dismissed.

6. Dismissal of the writ petition will, however, not stand in the way of the petitioners to approach the competent forum for relief, in accordance with law, if so advised.

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

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)