

Item-
3. 10-12-2025

WPA 15202 of 2025

sg Ct. 24

Mohanlal Mukherjee & Anr.
Versus
The State of West Bengal & Ors.

Mr. Biswarup Mukherjee
Mr. Rfikul Islam Sardar
Ms. Shamayem Fasih
...for the petitioners
Mr. Bhaskar Chakraborty
...for the State
Mr. Debjit Mukherjee
Ms. Priyanka Jana
...for the respondent no.3
Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Indrani Majumdar
...for the respondent no.5

1. The petitioners are aggrieved by an order passed by the Chief Judicial Magistrate, Howrah, who is the respondent no.3 herein.
2. The petitioners' grievance is that the petitioners were not appraised of several facts and additionally that the proceedings initiated by the petitioners, pending before the Debts Recovery Tribunal-I, Kolkata, was not brought to the notice of the Chief Judicial Magistrate while disposing of the application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'said Act of 2002').
3. The deed of assignment is under challenge before the Debts Recovery Tribunal-I, Kolkata, by the petitioners and is pending adjudication. This fact is not in dispute.
4. The petitioners have a right to approach the statutorily mandated remedy, which is an efficacious remedy under

the said Act of 2002.

5. Since the petitioners' application under Section 17 of the said Act is pending, the petitioners are at liberty to challenge the order passed by the respondent no.3 herein, if so advised.
6. In view of the urgency alleged by the petitioners, let the Debts Recovery Tribunal take up the matter on urgent basis and dispose of the same in view of the proposed sale of mortgaged property, possession whereof has already been taken by the respondent no.5.
7. With the aforesaid direction, the writ petition is disposed of. However, there shall be no order as to cost.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.)