

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

W.P.A 15694 of 2025

**Kunal Kumar Singh
-versus-
Canara Bank & Ors.**

**Mr. Shyamal Kumar Das.
Ms. Saheli Biswas.
Ms. Bushra Neshat.
...For the petitioner.**

**Mr. Moinak Bose Sr. Adv.
Ms. Aparajita Ghosh.
... for the respondent bank.**

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

2. The petitioner is aggrieved by the steps taken by the Bank to proceed to recover the loan amount without putting the petitioner on notice.

3. Learned advocate for the petitioner submits that the petitioner purchased a flat inside a complex upon payment of valuable consideration and upon obtaining loan from the bank. Without any notice and without affording any opportunity of hearing, the Bank is trying to dispossess the petitioner.

4. Learned counsel representing the Bank submits that the subject flat is mortgaged to the Bank. The Bank is taking steps to recover the loan amount in accordance with the provisions of the SARFAESI Act.

5. The promoter/developer of the subject flat has already approached the Debts Recovery Tribunal challenging the steps taken by the Bank to recover the loan amount by filing SA 335 of 2022.

6. The Bank has obtained order under Section 14 of the Act. Challenging the order of the District Magistrate, an interim application was filed before the Debts Recovery Tribunal by the promoter/developer being I.A. 722 / 2025 and the learned Tribunal was pleased to pass order on 27th May, 2025 that the respondent Bank will give 14 days' notice before taking possession. In accordance with the order passed by the Tribunal, the notice for vacating has been affixed on the wall of the subject flat.

7. On a perusal of the writ petition it appears that the petitioner has neither impleaded the seller of the property nor the developer/promoter or the borrower as party in the instant writ petition.

8. There are several disputed questions of facts which cannot be entertained and adjudicated by the writ Court.

9. The subject issue in question appears to be pending consideration before the Tribunal.

10. It will be open for the petitioner to approach the Debts Recovery Tribunal for relief in accordance with law, if so advised.

11. The writ petition stands disposed of.

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

(Amrita Sinha, J.)