

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

99 19.11.2025
Sc Ct. no.24

WPA 16157 OF 2025

Dilip Kumar Rabidas

VS.

The State of West Bengal & Ors.

For the Petitioner : Mr. Saikat Chatterjee
Ms. Satabdi Bhattacharya.

For the Respondent Nos.2 & 3:

Mr. P. K. Roy, Sr. Adv.
Mr. Biplob Das
Mr. Asis Dutta.

For the Respondent Nos.4 & 5:

Mr. Dhiman Kumar Sengupta
Ms. Farhin Mustaque.

1. Affidavit-of-service, filed in Court today, be kept on record.
2. The petitioner submits that having defaulted in repayment of loan, taken by his son, the Bank has sold the entire property.
3. The dispute, as it presently appears is whether the mortgaged land of approximately 0.05 decimal was sold and handed over to the purchaser or whether the entirety of the land, approximately 0.09 decimal was sold and handed over to the purchaser?
4. Mr. Chatterjee, learned counsel appearing for the petitioner contends that it is the entirety of his land (0.09 decimal) that has been handed over to the

purchaser by the Bank after dispossessing him. This would not have been permitted and, therefore, such action is challenged.

5. Mr. Sengupta, learned counsel appearing for the respondent nos. 4 and 5 contends that the sale, possession and handing over thereof are related to only 0.05 decimal of land. The balance 0.04 decimal of land has never been possessed by the Bank and was never put for sale by the Bank either.
6. Mr. Sengupta further submits that it is a dispute between the petitioner and some private persons and as such cannot be considered in this writ petition.
7. Heard the parties and perused the records.
8. This matter may or may not be a private dispute though it cannot be denied that there are disputed questions of fact as it is not possible to ascertain the quantum of land actually handed over by the Bank to the successful purchaser. However, the memo of 28th July, 2022, produced by Mr. Sengupta, a copy whereof is kept on record, clearly states that 0.05 decimal of land was sold, being the mortgaged land.
9. In view of the aforestated, the petitioner's remedy lies before a civil Court and cannot be entertained in the writ petition.
10. Since the Bank states that it has sold only 0.05 decimal of land, it is evident that the Bank is not taking any claim to the balance amount of land owned by the petitioner.

11. The writ petition is accordingly disposed of without any order as to costs.
12. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Reetobroto Kumar Mitra, J.)