

01
28.10.2025
d.p.

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

W.P.A 15960 of 2025

**Canara Bank
-versus
The District Magistrate, North 24-Parganas &
Ors.**

**Mr. Farooque Ali.
...For the Petitioners.**

**Mr. Jayanta Samanta,
Ms. Paromita Malakar (Dutta).
... For the State.**

**Mr. Suddhasatva Banerjee,
Mr. Rachit Lakhmani,
Ms. Rituparna Chatterjee,
Ms. Sadia Sultana.
...For the Respondent
Nos. 6 to 8.**

1. The writ petition has appeared in the list on mentioning by the learned advocate representing the respondent nos. 6 to 8.

2. It has been submitted that the order of the Court dated 24th October, 2025 disposing of the writ petition directing the District Magistrate, North 24-Parganas for enforcing the order passed on January 18, 2025 was passed without taking into consideration the order passed by the learned Debts Recovery Tribunal-I, Kolkata on 9th September, 2025 in case SA 335 of 2022 (Saket Promoters Ltd. & Ors. -vs- Canara Bank & Ors.).

3. It appears that the learned Tribunal vide order dated 9th September, 2025 restrained the Bank from taking possession of the secured asset on the basis of the order passed by the District Magistrate,

North 24-Parganas or any other measures till disposal of the securitization application.

4. It has been brought to the notice of the Court that the aforesaid order was not within the knowledge of the learned advocate representing the Bank for which the aforesaid order could not be placed before this Court at the time of hearing of the writ petition.

5. On a perusal of the order of the learned Tribunal, it appears that the securitization application at the instance of the borrowers, the private respondent nos. 6 to 8 is pending consideration before the Tribunal and necessary order has been passed thereon.

6. The order passed by this Court on 24th October, 2025 was passed in ignorance of the order passed by the learned Tribunal on 9th September, 2025. Both the orders are contrary to each other.

7. In view of the above, the order dated 24th October, 2025 passed by this Court stands recalled.

8. The parties are granted liberty to take steps before the Debts Recovery Tribunal where the proceeding under the SARFAESI Act is under challenge.

9. The writ petition stands dismissed.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)