

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

W.P.A 16248 of 2025

**Biraj Baran Khan
-versus
The State of West Bengal & Ors.**

**Mr. Saumen Datta,
Mr. Kousik Karmakar.
...For the Petitioner.**

**Mr. Nilotpal Chatterjee,
Mr. K.M. Hossain,
Mr. Amritalal Chatterjee.
... For the State.**

**Mr. Debashis Saha,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal.
...For SBI.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner alleges violation of principles of natural justice in the steps taken by the Bank to take symbolic possession of the secured asset without granting any opportunity to the petitioner to file written objection to the application under Section 14 of the SARFAESI Act, 2002.

3. It appears from the submission made on behalf of the petitioner that symbolic possession of the secured asset has already been taken.

4. A Securitization Application by the petitioner is pending consideration before the Kolkata Debts Recovery Tribunal-II being Diary No. NDN/763/2022 (SA).

5. Interlocutory applications in connection with the main matter are also pending consideration before

the learned Tribunal including Miscellaneous Application being No. NDN/62/2025.

6. The petitioner appears to be aggrieved by the order passed by the District Magistrate under Section 14 of the Act.

7. This Court is of the opinion that as the Securitization Application is pending consideration before the learned Tribunal, the petitioner ought to approach the said forum for necessary relief.

8. It will be open for the petitioner to raise all issues before the said forum in accordance with law.

9. The writ petition stands disposed of.

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.)