

M/L 52
10.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18661 of 2024

Debabrata Mondal & Anr.

Vs.

Syndicate Bank & Ors.

Mr. Nikhil Kumar Gupta

Mr. Subhadeep Maitra

...for the Petitioners.

Ms. Sreemoyee Mitra

...for the Bank.

1. Affidavit of service filed in Court today be retained with the records.
2. Report in the form of affidavit filed on behalf of the Bank, and the exception thereto, filed in Court today are taken on record.
3. It appears that the subject property was mortgaged on 29th November, 1998. The property was thereafter transferred in favour of the petitioners. There are outstanding dues and the bank intends to recover the same.
4. The petitioners contend that, the bank is not aware of the description and identity of the subject property which has been mortgaged.
5. The schedule of the property which stood mortgaged to the bank is annexed to the report filed by the bank. The bank shall be entitled to take steps as per the schedule appearing in the mortgage deed.
6. The fact that the petitioners are the subsequent transferee of the mortgaged property will not help the petitioners and, on the contrary, it was the duty of the petitioners to properly verify the status of the property which was purchased by them. The property is under mortgage since 1998 and the petitioners cannot be permitted to stand in the way of the bank from recovering its dues.

7. Accordingly, the writ petition fails, and is hereby dismissed.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Amrita Sinha, J.)