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21.08.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION

WPA 19348 of 2025

Subrata Ray & Anr.
Vs.
District Magistrate, South 24 Parganas & Anr.

Mr. Sayantan Bose.
Ms. Samriddha Sen.
Ms. Priyanka Gope.

... for the Petitioners.

Mr. Pankaj Kumar Mukherjee.

... for the respondent No. 3.

1. Affidavit-of-service filed in Court today be retained with the records.
2. None represents the District Magistrate despite service.
3. The petitioners challenge the order passed by the District Magistrate under Section 14 of the SARFAESI Act.
4. Specific submission is that the order was passed behind the back of the petitioners. The order was also not communicated to the petitioners.
5. The Bank has fixed date for taking over physical possession of the secured asset today.
6. The secured asset is the residential property of the petitioners and the petitioners, to show their bona fide

agree to pay certain amount for obtaining an interim stay of the order for taking over physical possession.

7. The securitization application filed by the petitioners is pending consideration before the Debts Recovery Tribunal.

8. Learned advocate representing the Bank opposes the prayer of the petitioners. It has been submitted that the Bank took steps strictly in accordance with the provisions of the SARFAESI Act. It has been submitted that huge sum is due and payable from the petitioners.

9. I have heard and considered the submissions made on behalf of the petitioners and the Bank. As the District Magistrate is not represented the Court is not in a position to decide the issue conclusively.

10. It appears that the securitization application is already pending consideration before the Debts Recovery Tribunal.

11. As the petitioners, to show their bona fide, intend to deposit certain amount to the Bank, accordingly, the Bank is directed to accept the amount without prejudice to its rights and contentions.

12. The petitioners are agreeable to pay a sum of rupees thirty lakh to the Bank by 10th September, 2025.

13. The manner in which the balance payment will be made shall be worked out by and between the parties.

14. The Bank is directed not to proceed to obtain physical possession of the secured asset till 12th September, 2025.

15. In the event rupees thirty lakh is not paid by 10th September, 2025, it will be open for the Bank to proceed with the matter in accordance with law including approaching the District Magistrate for obtaining necessary order.

16. The writ petition stands disposed of.

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

18. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

(Amrita Sinha, J.)