

D/L 63
09.04.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 20579 of 2024

Gautam Shaw
Vs.
The State of West Bengal & Ors.

Mr. K.C. Garg
Ms. Sunita Agarwal

...for the Petitioner.

1. None appears on behalf of the bank.
2. The petitioner, as borrower, failed to repay the loan amount for which the secured asset of the petitioner was put up for sale and on confirmation of the sale, sale certificate was issued by the Bank in favour of the auction purchaser on 19th February, 2021.
3. The petitioner has averred in the writ petition that a deed of conveyance was executed by the Bank in favour of the auction purchaser and the said deed was registered in the year 2022.
4. Learned advocate for the petitioner asserts that the petitioner is no longer in possession of the secured asset. He is aggrieved as a copy of the notice dated 15th March, 2024 was communicated to him by the District Magistrate, South 24 Parganas mentioning that an authorised officer has been engaged to take possession of the secured asset.

5. The petitioner submits that as the petitioner is no longer in possession of the secured asset, accordingly, the notice ought not to have been served upon him.
6. From the report which was forwarded by the learned advocate representing the Bank to the learned advocate representing the petitioner, it appears that the sale took place without handing over of the physical possession. Because of the restrictions imposed during Covid 19 pandemic, the bank could not take physical possession of the secured asset.
7. By the impugned communication, the District Magistrate appointed an Executive Magistrate to oversee and execute the possession order.
8. As the petitioner claims that he is not in possession of the secured asset, it will be open for the bank to take steps for possession of the secured asset in accordance with law.
9. Let a photocopy of the report by the respondent no. 6 handed over by the learned advocate representing the petitioner be retained with the records.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)