

24th Oct.,2025

Item no.M/L 271
Court No. 14

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 19801 of 2025**

In the matter of :
**Cholamandalam Investment and Finance Company
Limited**
.... Petitioner
VS.
The State of West Bengal & Ors.
....Respondents

For the Petitioner:
**Mr. Pratip Mukherjee
Ms. Shilpa Das**
....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner, being a non-banking financial institution, seeks execution of the order dated 23rd February, 2022 passed by the District Magistrate, South 24 Parganas under the SARFAESI Act.
3. The District Magistrate vide communication dated 16th July, 2024 intimated the petitioner about the representative of the District Magistrate for taking physical possession of the property.
4. The said order is, however, yet to be implemented.
5. It appears that the securitization application filed by the borrower before the Debts Recovery Tribunal being SA 314/2021 stood dismissed on 21st March, 2024.
6. It has been submitted that the subject property has, thereafter, been made a part of the Title Suit being no. 572

of 2025 for partition, declaration and injunction. The petitioner is not a party to the said partition suit.

7. According to the petitioner, as on date, there is no impediment on the part of the District Magistrate from executing the said order passed under the SARFAESI Act.
8. The respondents have not produced any document/ order setting aside/ staying operation of the order passed by the District Magistrate.
9. As no order from any competent Court of law has been produced before this Court staying operation of the proceeding under the SARFAESI Act, accordingly, the authority under Section 14 ought to take steps for implementation of the order passed under the aforesaid Section.
10. The instant writ petition, accordingly, stands disposed of by directing the District Magistrate, South 24 Parganas to take prompt necessary steps for implementation of the order dated 23rd February, 2022 at the earliest but positively within a period of six months from the date of communication of this order.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)