

03-09-2025
Item No.10
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.20366 of 2025
Suman Basu
-vs-
District Magistrate, South 24 Parganas & Ors.

Mr. Joy Chakraborty
Mr. Aranyak Saha
Ms. Ipsita Ghosh ...for the petitioner

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
...for Punjab National Bank

Mr. Rahul Modak ...for Bank of Baroda

1. The petitioner claims to be the purchaser of certain property which has been taken possession by Punjab National Bank under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. Learned counsel for the petitioner submits that the petitioner is neither the borrower nor the guarantor. He submits that the petitioner did not obtain any loan from Punjab National Bank. According to him, without serving any notice upon the petitioner, Punjab National Bank has taken possession of the property by dispossessing the petitioner and his aged and ailing mother and his minor daughter whose examination is due to be held on and from September 5, 2025. He submits that the minor girl's books and belongings are lying inside the subject flat.

3. Prayer has been made to direct the bank to hand over possession of the flat to the petitioner as the petitioner is not in default.
4. Learned counsel for the Punjab National Bank submits that the borrower has already filed a securitization application before the Debts Recovery Tribunal, Kolkata being Case No.S.A./205/2022 (Aradhana Sarkar & Anr. v. PNB) which is pending consideration.
5. It has also been submitted on behalf of the bank that there is huge sum of money that is due and payable by the borrower.
6. Upon hearing the parties and on perusal of the materials on record, it appears that the property was mortgaged to the Punjab National Bank in 2012 and that the petitioner is the subsequent purchaser of the mortgaged property. As the bank has taken steps to recover the loan amount due as per the provisions of the 2002 Act, the Court is not inclined to exercise its jurisdiction in the matter.
7. However, since it has been submitted that the books and belongings of the minor girl of the petitioner is inside the flat, possession of which has been taken by the bank, accordingly, the Court directs the bank to permit the petitioner to take back the belongings within forty-eight hours.
8. The articles shall be removed in the presence of the representative of the bank by preparing a proper inventory list. The process of removal of the articles shall be videographed by the parties and be preserved for future reference.
9. It will be open for the bank to take the assistance of the local police station at the time of removal of

the articles of the petitioner.

10. It will be open to the petitioner to approach the Debts Recovery Tribunal for relief in accordance with law, if so advised.
11. The writ petition stands disposed of.
12. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
13. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]