

10.11.2025
Sl. No. 89
Ct No. 24
SG

WPA 20590 of 2025

**Gopa Ghosh
Vs
Union of India & Ors.**

Mr. Firdous Sami,,
Ms. Gopa Biswas,
Mr. H.Z. Molla,
Ms. R. Saha,
Mr. A. Majumdar.

...for the petitioner

Mr. Goutam Dey.

...for UOI

Mr. Vivekananda Bose,
Mr. Subhra Nag.

...for the State

Mr. S.P. Choudhari,
Ms. S. Paul.

...for SBI

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner seeks order of restraint on the Bank, citing an order that had been passed under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'the Act'). The Bank has issued not only a notice under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 but also notice under Rule 8(1) of the Rules, seeking to take possession of the property which had been mortgaged by the husband of the petitioner while taking a loan.

3. The petitioner's remedy lies before the Debts Recovery Tribunal for appropriate orders of protection, if advised and if still available under the Act, in consideration of the timelines specified therein.

4. It is made clear that this Court has not gone into the merits of the case and the petitioner will be at liberty to urge all these points before the Debts Recovery Tribunal including her right to the property as envisaged under the aforesaid Act of 2005.

5. With these observations, the present writ petition is disposed of.

6. There shall be no order as to costs.

7. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)