

WPA 21098 of 2025

State Bank of India
Vs.
The State of West Bengal & Ors.

Mr. S. Pal Choudhuri
Ms. Shilpi Paul
.... for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Akash Dutta
.... for the State

Mr. Mohit Gupta
Mr. Mustafi Rahaman
Mr. Subham Banik
.... for the respondents no. 6 & 7

1. Let affidavit-of-service filed in Court be kept on record.
2. The writ petitioner challenges the refusal to act in terms with the order of his appointment by the authorized officer, appointed by the District Magistrate, South 24-Parganas, in an application under Section 14 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) (hereinafter referred to as the "said Act"). This authorized officer, by a communication of June 4, 2025, relied on an order of injunction, the certified copy whereof was communicated to him by Sekhar Chowdhury, respondent no. 7 herein, the guarantor of the loan transaction.

3. As rightly pointed out by Mr. Pal Choudhuri, learned Advocate appearing for the petitioner/Bank that the Bank is not a party to the suit being Title Suit No. 369 of 2025 and the injunction order passed therein, does not bind the Bank, in any manner whatsoever. The injunction order appearing at page no. 57 of the writ petition passed on March 6, 2025, seems to be an all encompassing order passed in rem.
4. Mr. Gupta, learned Advocate appearing for the respondents no. 6 and 7 herein, submits that an application under Section 14 of the said Act has been preferred by him, which is pending before the Debts Recovery Tribunal.
5. However, the Bank has not replied to the notice of June 4, 2025, bringing such fact to the notice of the authorized officer. The petitioner is given liberty to apprise the authorized officer of such facts and also communicate that the order of injunction of March 6, 2025, as extended, does not, in any manner, bind the Bank.
6. The authorized officer upon consideration of such facts, shall take necessary steps within two weeks from receipt of such communication of this order and in terms of the order passed by the District Magistrate, South 24 Parganas on January 3, 2025.

7. The writ petition is, thus, disposed of with the aforestated observations.
8. There shall, however, be no order as to costs.
9. Since no affidavit is called for, the allegations contained in the writ petition are deemed not to be admitted.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)