

WPA 21222 of 2025

M/s. Choramandalam Investment and Finance
Company Limited

Vs.

The State of West Bengal & Ors.

Mr. Sayak Ranjan Ganguly

Ms. Srijani Ghosh

Ms. Indrani Majumdar

.... for the petitioner

Mr. Noyan Chand Behani

Mr. Debangshu Dinda

.... for the State

Mr. Tirthankar Dey

Mr. Sandipan Das

.... for the respondents no. 7,8 & 9

1. Let affidavit-of-service filed in Court be kept on record.
2. The bank has filed this present writ petition seeking enforcement of the order of the District Magistrate passed 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”) on May 19, 2024. The authorized officer, in terms of the order, has not yet taken steps to execute such order and act in terms thereof.
3. The private respondents no. 7 to 9, the borrowers as well as the guarantors of such loan are also represented.

4. A valid issue has been raised by the said respondents that the property which is sought to be taken over by the bank is not a mortgaged property and hence such action should immediately be stalled. A representation was made by the private respondents before the District Magistrate after the order was passed under Section 14 of the said Act. The private respondents have also not been diligent in pursuing the application under Section 17 of the said Act before the concerned Debts Recovery Tribunal, which has, since, been dismissed for default.
5. The private respondents are free to pursue their remedies for redressal of their grievances before the appropriate Civil Court, if so advised.
6. The authorised officer is directed to take steps in terms of the order passed by the District Magistrate, Birbhum, within four weeks from date.
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.)