

24-09-2025
Item No.06
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.21062 of 2025

Biswajit Bhattacharya
-vs-
The State of West Bengal & Ors.

Mr. Biswarup Mukherjee.
Mr. Omar Faruk Gazi.
Mr. Soumya Ray.
Mr. Tanumoy Kar.
Ms. Susmita Das.
Ms. Shaoni Panda.

...for the petitioner.

Mr. Sourajit Dasgupta.
Ms. Rupal Singh.
Mr. Ashok Kumar Singh.

...for the respondent no.4.

Ms. P. B. Bihani. ...for the State.

1. Learned advocate representing ARCIL, the respondent no. 4, has produced a written instruction from his client mentioning that ARCIL undertakes to withdraw all SARFAESI actions initiated by it under Section 13(2) vide notice dated 24th June, 2016 and further undertakes not to enforce the order passed under Section 14 on 7th August, 2023 by the District Magistrate, South 24 Parganas in respect of the loan taken by mortgaging the subject asset.
2. It appears that the secured asset has already been sold by the secured creditor in favour of the petitioner, the successful auction purchaser and sale certificate was registered on 17th September,

2022.

3. According the ARCIL, the loan was assigned by the secured creditor way back in 2015.
4. ARCIL is conducting an investigation as to how the secured asset could have been sold on auction after assignment of the loan by the secured creditor to the asset reconstruction company.
5. Be that as it may, as it appears that the petitioner is no way connected to the loan and independently participated in an auction process to purchase the secured asset and a sale certificate has been registered in his favour, accordingly, ARCIL is restrained from proceeding any further in respect of the petitioner and the secured asset which the petitioner is currently occupying and enjoying as owner thereof.
6. Description of the property purchased by the petitioner in response to the auction notice is, all that piece and parcel of one self-contained complete flat situated in the fourth floor having super build up area of 950 sq. ft. be the same a little more or less, mosaic floor together with 200 sq. ft. terrace along with adjacent entire open terrace of 1350 sq. ft. with undivided proportionate share in the total land measuring an area of about 5 Cottahs 11 Chittack 07 Sq. ft., be the same a little more or less comprised in C.S. Plot nos. 604, 648 in mouza- Baishnabghata, P.S. Jadavpur, Now Patuli under Baishnabghata Govt. lay-out Plan No. 32, Scheme no. 2 and lying at Premises No. 133, Baishnabghata, presently P1/4, Garia Park, Kolkata-700084, in the Dist. 24 Parganas (South) as per Deed no. I-1772 of the year 2002, without lift facility but together with

services and facilities attached for the Building and all rights of easements and quasi-easements attached to the flat and building. The property is bounded:

On the North : Common passage and boundary wall.

On the South : Common passage and boundary wall.

On the East : Staircase common passage and boundary wall.

On the West : Common passage and boundary wall.

7. The writ petition stands disposed of.

8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]