

06.11.2025.
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Ct.No.24.
as

WPA 22020 of 2025
Union Bank of India
Vs.
The State of West Bengal & Anr.

Mr. Sailesh Mishra.
...for the Petitioner.

Mr. Supratim Dhar, Ld. Sr. Adv.,
Mr. Amadipta Sengupta.
...for the State.

Mr. Shashwat Nayak,
Mr. Debasish Chakraborty,
Mr. Rajdeep Mantha.
...for the Respondent Nos.3, 4 & 5.

1. Affidavit of service as filed be kept on record.
2. The writ petition by the Bank challenges an order of December 11, 2024 passed by the District Magistrate, Bankura declaring that the concerned land was an agricultural land and hence proceeding under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act') was not maintainable. It is this order which has been assailed in this writ petition.
3. There is a short history, inasmuch as, in the first round of litigation under an order under Section 14 of the 'SARFAESI Act' by the District Magistrate, Bankura was challenged by the private respondents (borrowers) before the Debts Recovery Tribunal, which held against the private

respondents. Such order of the Debt Recovery Tribunal was carried in appeal and disposed of by the Appellate Tribunal on August 22, 2024 directing the Bank to proceed afresh in accordance with law.

4. It is in these fresh proceedings that the District Magistrate, Bankura has passed the order impugned.

5. Needless to say and admittedly this order by the District Magistrate, Bankura passed under Section 14 of the SARFAESI Act, ought to have been challenged before the concerned Debts Recovery Tribunal, as the Act provides an alternative and efficacious remedy for the same.

6. In view of the availability of an alternative and efficacious, the writ petition is dismissed.

7. There shall be no order as to costs.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)