

27-01-2025
Item No.231 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.23828 of 2024
M/s Falcon Paints & Colour

-vs-

The Authorised Officer of State Bank of India & Anr.

Ms. Kakali Dutta
Mr. Sanjoy Chakraborty ...for the petitioner

1. Affidavit of service is on record. None represents the respondents.
2. The property of the petitioner is mortgaged with State Bank of India. The loan account has been treated as NPA. For recovery of the loan amount, the bank has initiated a money suit, being Money Suit No.208 of 2023, which is pending consideration before the learned Civil Judge (Sr. Division), Barasat.
3. The petitioner submits that the bank has already taken possession of the property and has put the same under lock and key. It is also submitted that certain valuable machineries, an electric meter and other necessary documents are lying inside the suit property.
4. Prayer has been made before the Authorised Officer of the bank requesting return of the belongings and other relief. The said representation is pending consideration till date.
5. As it appears that a money suit is pending adjudication before the learned civil court in respect of the self-same mortgaged property,

accordingly, the instant writ petition is disposed of by observing that it will be open for the petitioner to approach the learned court where the money suit is pending for necessary relief.

6. In the event a prayer is made before the learned court in seisin of the matter, then endeavour shall be made to dispose of the petitioner's prayer at the earliest but positively within a period of eight weeks from the date of filing of such petition.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]