

M/L 234
27.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 24231 of 2024

Shova Singh & Anr.

Vs.

IIFL Home Finance Limited & Ors.

Mr. Abhirup Chakraborty
Mr. Tuhin Ganguly

...for the Petitioners.

Mr. Amar Singh

...for the respondent.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners are aggrieved by the action taken by IIFL Home Finance Limited, a Non Banking Financial Corporation. According to the petitioners, none of them obtained any loan from the said finance company. The finance company has illegally and arbitrarily put a padlock over the premises of the petitioner no. 1.
3. Learned counsel representing the finance company raises an issue with regard to the maintainability of the writ petition.
4. The Court is of the opinion that IIFL Home Finance Limited, being a private limited company, cannot be treated as 'State' or 'other authority' under Article 12 of the Constitution of India and the writ petition filed against such body will not be maintainable.
5. In view of the above, the writ petition fails and is hereby dismissed.
6. Dismissal of the writ petition will, however, not stand in the way of the writ petitioners from approaching the competent forum for remedy, in accordance with law, if so advised.

7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)