

M/L 54
04.08.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23430 of 2023

Sukhendu Das & Anr.
Vs.
Union of India & Ors.

Mr. Niladri Sekhar Ghosh
Ms. Labani Sikdar
Mr. Souvik Dey

...for the Petitioners.

Mr. Md. Ahsanuzzaman

...for the State.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners are aggrieved by the steps taken by the bank to recover the loan amount invoking the provisions of the SARFAESI Act.
3. According to the petitioners the subject property is not mortgaged to the bank.
4. The bank is not represented. In the absence of the bank the Court is not in a position to adjudicate the issue conclusively.
5. It is ordered that the bank would be obliged to take steps for recovery of the loan amount strictly in accordance with the provisions of the SARFAESI Act. The bank shall restrict the SARFAESI proceedings to the property which is actually mortgaged to the bank.
6. It will be open for the petitioners to approach the Debts Recovery Tribunal for relief under the Act in accordance with law, if so advised.
7. The writ petition stands disposed of.

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

(Amrita Sinha, J.)