

28.11.2025
Item No.23, DL
Court No.24
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 24057 of 2025

Asha Keshari alias Devi

-Vs-

The State of West Bengal & Ors.

Mr. K.C. Garg,
Ms. Sumita Agarwal.
....for the petitioner.

Mr. Rudranil De,
Mr. Samrat Paul.
....for the State.

Ms. Rituparna Sanyal,
Ms. Janvi Bidiyani.
...for the respondent bank.

1. Affidavit of service filed on behalf of the petitioner is taken record.

2. During the course of hearing, I am informed by the bank that the property has been sold sometime in 2021 and the sale certificate in respect thereof was issued in February 19, 2021, a copy whereof is produced in Court and is taken on record.

3. The petitioner seeks stay of the bank's process by taking actual physical possession of the mortgage property and selling the same for realization of the dues of the principal borrower.

4. The petitioner is neither the borrower nor the guarantor. However, she claims that she has a right in so far as the mortgage property is concerned. A right which is yet to crystallize.

The dispute emanates between the petitioner and the principal borrower of the respondent bank. This property, which the bank has sold, was gifted by Gautam Shaw, the borrower to his wife Sarika Shaw.

5. It appears that the petitioner has already filed a suit, which is already pending before the learned 3rd Civil Judge (Senior Division), Alipore, District : 24-Parganas (South) in Title Suit No. 305 of 2023 against the respondent bank, the District Magistrate, South 24-Parganas and Mr. Goutam Shaw.

6. In view of the aforestated, the petitioner has already availed of a remedy before the Civil Court.

7. There are disputed questions of fact especially since the petitioner was unable to produce any document or requisites to show or establish her ownership or part-ownership over the said mortgage property.

8. The petitioner also has an alternative and equally efficacious remedy before the concerned Debt Recovery Tribunal for ventilating her grievance.

9. In view of the aforestated, I am not inclined to entertain the writ petition and the same is dismissed without any order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Reetobroto Kumar Mitra, J.)