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7.2.2025
Court No.14
BP/AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 24786 of 2024

Sk. Ashikuddin Ahamed

Vs.

Utkarsh Small Finance Bank Limited & Ors.

Mr. Sukanta Ghosh.
..for the petitioner.

Mr. Biswajit De.
Mr. Abu Siddique Mallick.
...for the State.

Ms. Anamika Pandey.
Mr. G. Pandey.
... for the Bank.

1. The allegation of the petitioner is that the respondent no. 1 is taking possession of the property under the SARFAESI Act contrary to the loan agreement.
2. Report has been filed by the respondent no. 1 mentioning that the respondent Bank initiated action as per the SARFAESI Act in respect of the land specifically mentioned in the loan agreement.
3. It has been denied that the Bank was trying to take forceful possession of the property situated at Mouza- Shimula, J.L. No. – 60, Khatian NO.-1251, Dag No.-1215, 1217 and 1219 as the same is not mortgaged in favour of the Bank.

4. At the very initial stage of consideration of the writ petition an issue was raised with regard to the maintainability of the same.
5. Without entering into or deciding the said issue as it appears that the Bank has filed an affidavit disclosing that the apprehension of the petitioner is absolutely mis-founded, accordingly, no order is required to be passed in the instant writ petition.
6. The writ petition stands disposed of relying on the averments made by the respondent no. 1 in the affidavit filed in Court today.
7. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)