

25.02.2025
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AN/Ct. No.14

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 25392 of 2024

Canara Bank & anr.
versus
The District Magistrate, South 24 Parganas & Ors.

Mr. Farooque Ali
Mr. S. K. Shahrukh Raja
... for the petitioners

Mr. Anand Farmania
Ms. Indumouli Banerjee
... for the State

1. The petitioner prays for implementation of the order passed by the District Magistrate under Section 14 of the SARFAESI Act.
2. The Section 14 application was disposed by the District Magistrate on 19.09.2023 and on two occasions the Executive Officers were engaged for taking physical possession of the secured asset, but because of the transfer of the Executive Officers, possession of the secured asset could not be taken.
3. The petitioner prays for a direction upon the District Magistrate to engage an Executive Officer to take over possession of the secured asset in the presence of the Police.

4. The District Magistrate is the competent authority under the SARFAESI Act to take steps for recovery of the secured asset. The order under Section 14 of the said Act for taking possession was passed way back in September, 2023 but the same is yet to be implemented because of want of the Executive Officer.

5. The instant writ petition is **disposed of** by directing the District Magistrate, South 24 Parganas to engage an Executive Officer to take over possession of the secured asset in the presence of the Police at the earliest but positively within a period of sixty days from the date of communication of this order. The private respondent are restrained from interfering with the Executive Officer or his men/agents at the time of taking over physical possession of the secured asset.

6. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Amrita Sinha, J.)