1211
2025
WEDNESDAY

Court : **MB-24**
Item : **AD-08**
Status : **DO**
ID : **266312**
AR : **NANDY**

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25642 OF 2025

SAHADEV JANA & ANR.
VS.
GENERAL MANAGER, INDIAN BANK & ORS.

MR. SARWAR JAHAN, ADVOCATE
MR. SAYANTAN HAZRA, ADVOCATE
……for the Petitioner
MR. PROLAY KAR, ADVOCATE
MS. DEBASREE DHAMALI, ADVOCATE
MS. RIYA GHOSH, ADVOCATE
MS. DEBALINA GHOSH, ADVOCATE
……for the Respondent Nos. 1 to 5

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners had taken a home loan from the Bank some time in 2017. As a security, the petitioners had given the title deeds pertaining to the land. Thereafter, the petitioners had constructed their residential house on the said plot of land.
3. Mr. Jahan, learned Advocate appearing for the petitioners, submits that approximately a sum, slightly in excess of Rs.8.5 lakhs is due and payable by the petitioners. The Bank had initiated proceedings for recovery of such amount and has also moved an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the SARFAESI Act), before the District Magistrate, Paschim Medinipur. An order on such application was passed sometime in June 2025, which has been assailed by the petitioners before the Debts Recovery Tribunal-II. An application under Section 17 of the SARFAESI Act is also pending before the said Tribunal.
4. Learned Counsel appearing for the Bank states that sale has already been conducted for approximately a sum of Rs.14.81 lakhs. He further submits that since the sale has already been completed, the Bank cannot consider the repayment of the loan amount of Rs.8.5 lakhs by the petitioners as urged in the petition.
5. Mr. Jahan submits that his clients are willing to match the sale price of the property.
6. The petitioners are at liberty to approach the Bank with such offer to match the sale price which the Bank will consider.

7. Since there is an application under Section 17 of the SARFAESI Act, pending before the Debts Recovery Tribunal-II, this Court cannot exercise any jurisdiction in the matter for passing any further order.
8. The remedy of the petitioners lies before the Debts Recovery Tribunal-II and they are at liberty to approach such Tribunal to assail the sale of their residential property conducted by the Bank.
9. With the afore-stated directions, **WPA 25642 of 2025** is **disposed of.**
10. There shall, however, be no order as to costs.
11. Urgent Photostat Certified copy of this order be given to the parties, if applied for.

(REETOBROTO KUMAR MITRA, J.)