

1811
2025
TUESDAY

Court : MB-24
Item : AD-06
Status : DO
ID : 266312
AR : NANDY

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26207 OF 2025

MIR MOHAMMAD
VS.
THE STATE OF WEST BENGAL & ORS.

MR. PRATIP MUKHERJEE, ADVOCATE
MR. RISHAV ROY, ADVOCATE
MR. P. BISWAS, ADVOCATE
MR. S. CHAKRABORTY, ADVOCATE

.....for the Petitioner

MR. SAYAK RANJAN GANGULY, ADVOCATE
MS. SRIJANI GHOSH, ADVOCATE
MS. INDRANI MAJUMDAR, ADVOCATE

.....for the Respondent Nos. 3 & 4

MR. RAJAT DUTTA, ADVOCATE
MS. INDRANI NANDI, ADVOCATE

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner challenges a notice which he received on 12.11.2025, issued by the respondent-bank, asking the petitioner to vacate the mortgaged property to facilitate performance of the order of the District Magistrate, North 24-Parganas passed under Section 14 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act).
3. Mr. Mukherjee, learned Advocate, representing the petitioner, submits that an application under Section 17 of the SARFAESI Act was filed by the petitioner before the Debts Recovery Tribunal-II, Kolkata sometime in May 2025. He further submits that an order of the District Magistrate was served on him pursuant to which he proceeded to challenge the same before the Debts Recovery Tribunal by filing two Interlocutory Applications being 4269 of 2025 and 4271 of 2025.
4. The applications, as afore-stated, have not been taken by the Tribunal and the petitioner submits that his rights are severely prejudiced.
5. The Bank submits that the application under Section 17 of the SARFAESI Act filed by the petitioner being SA 499 of 2025 though filed in May 2025, but had never been served upon the Bank, prior to passing of the order by the District

Magistrate, North 24-parganass. The Bank further submits that this is a ploy adopted by the petitioner to delay the entire process. There is an outstanding in excess of Rs.16 lakhs which the petitioner has not paid till date.

6. Since applications have been filed by the petitioner, which are pending before the Debts Recovery Tribunal, the petitioner has the liberty to pursue his remedy with such applications before the Debts Recovery Tribunal to take up the matter on urgent basis.
7. **WPA 26207 of 2025** is accordingly **disposed of**. No order as to costs.

(REETOBROTO KUMAR MITRA, J.)