

08.04.2025

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WPA 26714 of 2024

Sri Alope Kumar Jana

– *Versus* –

District Magistrate, South 24 Parganas & Others

Mr. Sarbananda Sanyal,

Mr. Samrat Chakraborty

... for the Petitioner.

Mr. Tapas Kr. Adhikari,

Mr. Supriya Majumdar

... for the State/Respondent Nos. 1 & 5.

The learned advocate appearing for the petitioner hands up a copy of a letter dated November 05, 2024 along with postal receipts evincing that a copy of the writ petition had been dispatched to the respondent nos.1 to 4 in the writ petition under the cover of the said letter dated November 05, 2024. Let the same be kept with the records.

While the State/respondent nos.1 and 5 are represented through the learned advocate, there is no representation on behalf of the respondent nos. 2 to 4. Although it is not clear as to whether service upon the non appearing respondents has been effected or not, yet, it would serve no purpose to direct the petitioner to serve these respondents again and keep the writ petition pending, in view of the fact that this Court is not inclined to entertain the writ petition.

The State/respondent nos.1 and 5 are represented. The report filed by the learned advocate appearing for the State/respondent nos. 1 and 5 is taken on record.

The writ petitioner has assailed an order dated March 18, 2022 passed by the District Magistrate, South 24-Parganas under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter the, the SARFAESI Act) which was communicated to the petitioner through memo no.372/SARFAESI dated March 18, 2022 and also another order dated March 16, 2022. No copy of any order dated March 16, 2022 has, however, been brought to the notice of the Court.

The learned advocate appearing for the petitioner submits that the writ petitioner also seeks setting aside of the notice dated July 08, 2024 issued by the District Magistrate, South 24-Parganas whereby the order passed by the said District Magistrate under Section 14 of the SARFAESI Act has been sought to be executed.

It is now well-settled that orders passed by the District Magistrate under Section 14 of the SARFAESI Act of 2002 and steps taken in execution thereof as well as any step taken by the secured creditor under Section 13(4) of the SARFAESI Act should not be permitted to be assailed by way of a writ petition under Article 226 of the Constitution of India. Remedy of a person aggrieved by either any of the measures taken under Section 13(4) of the SARFAESI Act or by any order passed by the District Magistrate under Section 14 of the SARFAESI Act lies

before the competent Debts Recovery Tribunal under Section 17 of the SARFAESI Act.

In such view of the matter, the writ petition, being WPA 26714 of 2024 is not entertained and is, therefore, dismissed.

There shall, however, be no order as to costs.

(Om Narayan Rai, J.)