

28.11.2025
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WPA 26673 of 2025

Noor Saba
Vs.
The State of West Bengal & Ors.

Mr. Narayan Debnath
Ms. Bishalaxmi Ghosh
Ms. Tanima Debnath
Ms. Taniya Chakraborty
..... for the petitioner

Mr. Shiv Mangal Singh
..... for the respondent Bank

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner is aggrieved by an order passed by the respondent no. 2, on August 2, 2023, under Section 14 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act").
3. The principal grievance of the petitioner is that she was never served with a notice under Section 13(2) and Section 13(4) of the SARFAESI Act. In fact, the petitioner became aware of the proceedings only upon the police authorities, associated with the officials of the respondent no. 3/Bank, visited the petitioner's premises for taking possession of the said mortgaged property.

4. Mr. Singh, learned Advocate appearing for the respondent Bank, submits that the outstanding amount is in excess of Rs.3 crores and the Bank is willing to consider the proposal, if so proposed by the petitioner, in accordance with law.
5. The petitioner has an alternative and equally efficacious remedy before the Forum instituted for hearing out these matters. The petitioner is at liberty to proceed before such Forum challenging the order of August 2, 2023, if so advised.
6. In the circumstances aforestated, the writ petition is disposed of.
7. There shall, however, be no order as to costs.
8. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)