

2111
2025
FRIDAY

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

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26650 OF 2025

SAHADEV JANA & ANR.
VS.
THE STATE OF WEST BENGAL & ORS.

MR. SAYANTAN HAZRA, ADVOCATE
MS. TAPATI SARKAR, ADVOCATE

.....for the Petitioners

MS. SONAL SINHA, ADVOCATE
MS. DEBDOOTI DUTTA, ADVOCATE

.....for the State

MR. PRALAY KAR, ADVOCATE
MS. DEBASREE DHAMALI, ADVOCATE
MS. DEBOLINA GHOSH, ADVOCATE

.....for the Bank

1. Affidavit of service, as filed, be kept with the record.
2. In rather difficult circumstances this petition has been preferred challenging the action of the Bank in proceeding to sell the residential property of the petitioners, to recover the outstanding dues.
3. The petitioners have in no uncertain terms by their letter dated 15.11.2025 written to the Bank that they were ready and willing to match the sale price, which the Bank had offered to consider. The Bank is not willing to consider such offer, on the ground of the impediment under Section 13(8) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the Said Act) .
4. The petitioners having an alternative and efficacious remedy, ought to have approached the Debts Recovery Tribunal seeking necessary reliefs, particularly, since the application under Section 17 of the said Act, is pending before such Tribunal.
5. In view of the afore-stated, **WPA 26650 of 2025 is dismissed.**
No order as to costs.
6. Urgent Photostat Certified Copy of this order, be given to the parties, if applied for.

(REETOBROTO KUMAR MITRA, J.)

