

08.04.2025

rpan/11

WPA 27073 of 2024

Bikash Paria

– *Versus* –

The State of West Bengal & Others

Mr. Mukteswar Maity,
Ms. Manika Sarkar
... for the Petitioner.
Mr. Ritwik Pattanayak
... for the Respondent no.2.

The writ petitioner has prayed for setting aside an “Auction Notice” published on October 05, 2024 by the respondent no.4.

However, a perusal of the impugned notice annexed at page 21 of the writ petition reveals that the same is not a notice for sale through auction but a possession notice issued in terms of the Rule 8 of the Security Interest (Enforcement) Rules, 2002 (hereafter the said Rules of 2002) read with Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter SARFAESI Act, 2002).

The writ petition is therefore wholly misconceived and is liable to be dismissed.

Even otherwise it is now well settled that measures taken by a secured creditor for enforcement of its security interest by resorting to the various provisions of the SARFAESI Act, 2002 or the said Rules of 2002 should ordinarily not be allowed to be assailed

by way of writ petitions under Article 226 of the Constitution of India inasmuch as there is an efficacious alternative remedy available to persons aggrieved thereby before the competent Debts Recovery Tribunal under Section 17 of the SARFAESI Act, 2002.

In view of the aforesaid the instant writ petition is not entertained. WPA 27073 of 2024 is accordingly dismissed. No costs.

(Om Narayan Rai, J.)