

D/L 73
23.07.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27141 of 2024

Musstt. Mayurjan Bibi
Vs.
State of West Bengal & Ors.

Mr. Shashwat Nayak
...for the Petitioner.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
...for the State.

Mr. Abhishek Banerjee
Ms. Parna Roy Chowdhury
...for the PNB.

1. The petitioner claims to be the owner of certain plot of land under Khatian no. 90 presently Khatian no. 953.
2. The son of the petitioner obtained loan by mortgaging a plot of land being Khatian no. 173.
3. The plot of the petitioner and that her son is submitted to be contiguous and adjoining to each other.
4. As the son defaulted in repaying the loan amount, the bank has proceeded under the SARFAESI Act.
5. The petitioner alleges that the bank instead of taking steps in respect of the property of her son, has taken steps in respect of her property.
6. Prayer has been made by the petitioner to return possession of the property of the petitioner which is no way connected with the loan and may have been inadvertently taken possession of by the bank.
7. According to the bank, possession has been taken of the plot which is mentioned in the loan agreement. It is

denied that the possession of the plot of the petitioner has been taken.

8. From the submissions made on behalf of the both the parties, it appears that, there may be a chance of mistaken identity of the plot of land which has been mortgaged to the bank. The petitioner and the bank both submit that the two plots are demarcated ones.
9. If there is a dispute with regard to demarcation/identification of the plot, then the parties ought to approach the concerned land authority of the State for proper identification of the plot of land.
10. The bank claims that possession of the proper property has been taken, which the petitioner denies.
11. At this stage, it will not be possible for the Writ Court to interfere in the matter. A securitization application is reported to be pending consideration before the learned Debts Recovery Tribunal.
12. It will be open for the petitioner to agitate the issue before the Tribunal in accordance with law, if so advised.
13. The writ petition stands disposed of.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)