

17-02-2025
Item No.157 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.27864 of 2024

Taiyab Ali Sardar

-vs-

Union of India & Ors.

Mr. Parashar Baidya
Mr. Ivan Roy ...for the petitioner

Mr. Somnath Ganguly
Ms. Kalpita Paul ...for the State

Mr. Smarajit Roy Chowdhury ...for Union of India

1. The petitioner is aggrieved by the action taken on the part of the District Magistrate, South 24 Parganas under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. The petitioner claims to be the owner of L.R. Dag No.811 which is not mentioned in the description of the scheduled asset. It has been submitted that request for vacating the mortgaged property has been affixed in the outer wall of the petitioner's structure which is in no way connected with the loan.
3. The petitioner has tried to convince the Court by submitting that the description of the secured asset and the description of the petitioner's property are different.
4. The petitioner does not have any objection, if possession is taken in respect of the property described in the schedule of the secured asset.

5. The instant writ petition is disposed of by directing the District Magistrate to take steps in respect of the property as described in the schedule of the secured asset.
6. Affidavit of service filed in Court is taken on record.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]