

M/L 55
17.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 28493 of 2024

Sri Samar Kumar Paul & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Debashis Saha
Mr. Subhasis Saha
Ms. Stela Sen
Ms. Sucheta Pal

... for the Petitioners.

Ms. Soni Ojha

... for the respondent no. 5.

Mr. Arjun Roy Mukherjee
Ms. Tuhina Parvin

...for the State.

1. Affidavit-in-reply on behalf of the petitioners to the report filed by respondent no.5 is taken on record.
2. The petitioners are the auction purchasers. They purchased a property and the financial institution handed over the physical possession cum original key of the property to the petitioners.
3. The petitioners allege that though the keys were handed over, but physical possession was never handed over to the petitioners.
4. The petitioners pray for a direction upon the financial institution to hand over physical possession of the action property to them.
5. From the report filed by the financial institution, it appears that the petitioners took physical possession and the original key from the financial institution way back on 2nd November, 2023. The instant writ petition has been filed on 28th November, 2024 alleging non

handing over of the physical possession of the auctioned property.

6. It appears that the issue of actual handing over of physical possession of the auction property is in dispute. The writ Court is not the competent forum to decide the same.

7. Accordingly, the writ petition fails and is hereby dismissed.

8. It will be open for the petitioners to approach the competent forum in accordance with law for remedy, if so advised.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)