

D/L 198
11.04.2025
Bpg.
ct.no.35

W.P.A.28616 of 2024

**Ashok Raha
Versus
The State of West Bengal & Ors.**

Mr. Tapan Dutta Gupta
Mr. Parvej Anam
Ms. Puspam Rani Jaiswara.
...for the petitioner.

Mr. Snehasish Chakraborty.
...for the private
respondent No.4/Bank.

Petitioner has already approached the Debts Recovery Tribunal-III, Kolkata in respect of the contention advanced in the writ petition. The court has already passed a direction on 04.11.2024. The main thrust of contention of the petitioner is a different property having been taken over by the bank.

Be that as it may, since the Debts Recovery Tribunal-III, Kolkata is in seisin of the issue and learned advocate for the bank states that already auction has taken place, sale certificate having been issued and a reflection of the same being available in the order dated 04.11.2024, I am of the view that until and unless the issue is adjudicated by the appropriate Tribunal already in seisin of S.A. 288 of 2021, the police authorities would not be in a position

to act on the representation made by the petitioner. Consequently, the petitioner would be at liberty to approach this Court if any direction is passed by the authorities specified under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is passed upon police. As such, no interference is called for at this stage.

With the aforesaid observations, WPA 28616 of 2024 is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)