

M/L 96
25.02.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 28957 of 2024

Tusar Kanti Das

Vs.

The Union of India & Ors.

Ms. Shabana Hasin

Ms. S. Akter

Ms. Neha Roy

...for the Petitioner.

Ms. Sonal Sinha

Ms. Ashmita Chakraborty

...for the State.

Mr. Rajesh Kr. Shah

...for the Union of India.

1. The petitioner is aggrieved by the action taken by the financial company to recover possession of the secured asset under Section 14 of the SARFAESI Act.
2. The petitioner asserts that, he is neither the borrower nor the mortgager. The secured asset is not the property of the petitioner. The petitioner is no way connected with the subject loan. The Officer-in-Charge of the Bishnupur Police Station has sealed the property. The petitioner prays for a direction upon the police to hand over possession of the property to him.
3. The Court is of the opinion that, as action has been taken under the SARFAESI Act and steps have been taken under Section 14 of the said Act, any person aggrieved by the same, ought to approach the Debts Recovery Tribunal, for relief.
4. No relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.
5. It will be open for the petitioner to avail the remedy available in law, if so advised.

6. 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.)