

22.12.2025
22
sdas

WPA 28876 of 2025

Jagadish Adak alias Jagadish Chandra Adak
Vs.
The State of West Bengal & Ors.

Mr. Ranjan Kali
Ms. Mitul Chakraborty
Ms. Payel Nath
Ms. Mohul Nandi
..... for the petitioner

Mr. Biplab Dutta
..... for the State

Mr. S. Pal Choudhuri
Mr. S. Pal Chouduri
Ms. Tithi Paul
Ms. S. Paul
Ms. Baisali Paul
..... for the respondent Bank

Ms. Parna Roy Choudhury
..... amicus curiae

1. The petitioner's grievance that the order of the learned Chief Judicial Magistrate, passed on July 30, 2025, was not served on him till October 9, 2025, is indisputable.
2. However, as informed by Mr. Pal Choudhuri, appearing for the respondent Bank, no steps have yet been taken by the learned Chief Judicial Magistrate, to execute the aforestated order, though an Advocate has been appointed as Receiver in the matter to execute such order.

3. In view of the above submissions, the Receiver appointed by the learned Chief Judicial Magistrate and/or any person appointed by him in this case, the Receiver is duty bound to put the borrower, the petitioner herein, on notice before taking any steps to execute the order of July 30, 2025.
4. Petitioner will be at liberty to challenge such notice of possession as and when he receives the same.
5. With the aforestated directions, the writ petition is disposed of.
6. There shall, however, be no order as to costs.
7. Since no affidavit has been called for, the allegations contained in the writ petitions are deemed to be denied.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)