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NANDY

(DISMISSED)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28862 of 2025

**POLASH MONDAL & ANR.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Ujjwal Kumar Sarkar, Advocate
Mr. Samir Kumar Adhikari, Advocate

.....for the Petitioners

Mr. Tapas Kumar Roy, Advocate

.....for the State

Ms. Amrita Pandey, Advocate

Ms. Sangita Mishra, Advocate

Mr. Ghanshyam Pandey, Advocate

.....for Respondent No. 3/Canara Bank

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are aggrieved that a measure under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act) has been taken by the Bank, suppressing material facts. The order dated 25.09.2025 passed by the District Magistrate is the subject matter of challenge in the present writ-petition.
3. The petitioners are aggrieved that this order of 25.09.2025 passed by the respondent no. 2 was obtained surreptitiously by the respondent-bank. The petitioners are further aggrieved that such order was never communicated to them till 03.12.2025, beyond the period of 45 days which presently disables them from invoking the remedy stipulated under the said Act under Section 17 thereof.
4. The petitioners are unable to show that they had received the notice on 03.12.2025 of the order passed by the respondent no. 2. On the contrary, it appears from page 55 of the petition that the order of the District Magistrate and/or his authorized person, was served on them on 13.10.2025.

5. The petitioners' remedy undoubtedly lies before the Debts Recovery Tribunal which is not just an alternative and efficacious remedy but a statutory one as provided by the said Act. The Hon'ble Supreme Court of India in several decisions, particularly the one, reported in 2020 (19) SCC 681 has categorically held that if there is a statutory remedy, the aggrieved party will have to avail of such remedy before approaching the Writ Court.
6. The petitioners' remedy, therefore, lies before the Tribunal under the provisions of the said Act.
7. With the afore-stated observations, **WPA 28862 of 2025 is dismissed.** No order as to costs.

(Reetobroto Kumar Mitra, J.)