

December 23, 2025
Sl. No.46
Court No.1
s.biswas

WPA(P) 574 of 2025

Nepal Chandra Mondal
vs.
The State of West Bengal and others

Mr. Balarko Sen
Mr. Abhrajit Roy Chowdhury
... for the petitioner

Mr. Arka Kr. Nag
Mr. Manish Biswas
... for the State

Mr. Mukul Lahiri, Sr. Adv.
Mr. Anirban Pramanick
Mr. Bhagyasree Dey
... for the respondent Bank

Per, Sujoy Paul, A.C.J.

1. Mr. Balarko Sen, learned counsel for the petitioner, Mr. Arka Kr. Nag, learned counsel for the State and Mr. Mukul Lahiri, learned senior advocate appearing for the respondent Bank, are present. None appears on behalf of the private respondent.
2. This PIL is filed by the petitioner claiming himself to be a public spirited citizen of India. In addition, he discloses that he is in business of real estate. It is projected by learned counsel for the petitioner that respondent no.12 is the borrower and he mortgaged the piece of land which was allegedly a thika land and vested to the government. Since the borrower could not satisfy the loan condition, the bank decided to auction the property. The auction is scheduled today and therefore ad interim order be passed

restraining the bank to auction the said land/property.

3. Learned counsel for the State on obtaining instruction produced a written instruction dated 22nd December, 2025. Relevant portion reads thus:

“Sir,

From the pleadings of the aforementioned Public Interest Litigation [W. P. A. (P) 574 of 2025], it has come to the knowledge of the Office of the Controller, Kolkata Thika Tenancy that an E-Auction Sale Notice was published on December 5, 2025, by the Stressed Assets Management Branch II, Kolkata of State Bank of India expressing the Banks Intention to conduct an E-Auction Sale, on December 23, 2025, of all that piece and parcel of Bastu land measuring more or less than 23 Kattahs 04 Chittaks together with 11350 Sq ft. Darma shed structure lying at Premises No. 7/1, Rifle Range Road, Police Station Karaya, Kolkata - 700019 under K.M.C. Ward No. 65, District-South 24 Pargans in order to recover the loan amount due to the Bank from one M/s. Kuber Tie Up Private Limited.

However, pursuant to the Judgement dated September 11, 2025 passed by the Leamed West Bengal Land & Land Reforms Tribunal in O. A. No. 683 of 2012 (M/s. Kuber Tie Up Private Limited & Others -V.- M/s. Bharat Battery Manufacturing Company Private Limited & Others), a fresh proceeding, being Miscellaneous Case No. 58 of 2025, has been drawn up by the Learned Controller, Kolkata Thika Tenancy in relation to Premises No. 7/1, Rifle Range Road, Police Station Karaya, Kolkata 700019.

In view of the above, the Stressed Assets Management Branch II, Kolkata of State Bank of India is directed not to undertake any action which shall create any Third Party Right over Premises No. 7/1, Rifle Range Road, Police Station Karaya, Kolkata-700019, till the final disposal of Miscellaneous Case No. 58 of 2025 pending before the Learned Controller, Kolkata Thika Tenancy, alternatively, the Stressed Assets Management Branch II, Kolkata of State Bank of India is directed to include a clause in any Deed/Instrument, registered by the Bank in

view of the said property, that the validity of the said Deed / Instrument shall be subjected to the result of the said Miscellaneous Case No. 58 of 2025.

Kindly act in terms of this instant communication.

Sincerely,

*OSD & EO, Controller,
Kolkata Thika Tenancy”*

4. On the strength of this instruction, learned counsel for the State submits that the respondent Bank will be intimated about the date of hearing before the concerned authority. In addition, police is also investigating into the matter as to whether a thika/government land is being mortgaged by private respondent by projecting it to be his own land. The concerned authority has already restrained the bank not to undertake any auction and create any third party right over the premises in question till final disposal of Misc. Case No.58 of 2025 pending before the learned Controller, Kolkata Thika Tenancy at Kolkata.
5. Learned counsel for the bank submits that the bank has no hesitation in participating in the said proceedings.
6. Considering the aforesaid, in our opinion, there is no point in entertaining this PIL. The concerned statutory authority, namely, Controller, Thika Tenancy at Kolkata has already taken cognizance of the matter and passed an interim order. The

parties are at liberty to participate in the said proceedings in accordance with law.

7. The PIL is disposed of by reserving liberty to the parties to approach the said authority. It is made clear that this court has not expressed any opinion on the merits of the case and on tenability of the PIL.

(Sujoy Paul, A.C.J.)

(Ajay Kumar Gupta, J.)