

14
10.03.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 30634 of 2024

**Prem Prokesh Sil
-versus
The State of West Bengal & Ors.**

**Ms. Parna Roy Choudhury.
...For the Petitioner.**

**Mr. Abhisek Banerjee,
Ms. Anindita Das,
Mr. Babhru Bahan Bera.
...For the Respondent No.4.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For the State.**

1. Report in the form of affidavit filed on behalf of the respondent no. 4, Bank is taken on record.

2. The petitioner is aggrieved as he is not being delivered possession of a property which he purchased on auction despite issuance of the sale certificate in September 2023.

3. From the report filed by the Bank, it appears that an application along with an affidavit was filed by the Bank before the District Magistrate, Paschim Bardhaman under Section 14 of the SARFAESI Act, 2002 on 7th December, 2022.

4. It appears that hearing in connection with the said application was conducted by the District Magistrate lastly on 14th January, 2025 but the Court has not been apprised as to whether any final order has been passed by the District Magistrate or not.

5. Further affidavit along with the application under Section 14 was again filed before the District Magistrate on 10th January, 2025.

6. As per the provisions of Section 14 of the SARFAESI Act, the District Magistrate is legally entitled to take steps within a period of thirty days extendable for a further period of thirty days. The aforesaid time period has elapsed long back.

7. It is high time that the District Magistrate, Paschim Bardhaman takes step to dispose of the application filed under Section 14 of the Act.

8. Steps shall be taken by the District Magistrate at the earliest but positively within a period of thirty days from the date of communication of this order.

9. If the application under Section 14 of the Act is allowed, the District Magistrate shall ensure that possession of the secured asset can be peacefully delivered to the petitioner. It will be open for the District Magistrate to take the assistance of the Officer-in-Charge, Asansol Police Station for such purpose.

10. The writ petition stands disposed of.

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

(Amrita Sinha, J.)