

24-02-2025
Item No.179 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.30710 of 2024
Union Bank of India & Anr.
-vs-
State of West Bengal & Ors.

Mr. Pankaj Kumar Mukherjee
Mr. Indrajit Bhattacharjee ...for the petitioners

Mr. Dulal Dey
Mr. Amalaksha Jana
...for the private respondent no. 9

1. None represents the State. Affidavit of service is on record.
2. Learned counsel for the ninth respondent has brought to the notice of the court that the ninth respondent, the original borrower, has expired.
3. As the ninth respondent has died, his name is directed to be deleted from the array of respondents in the writ petition.
4. Upon hearing the petitioners, it appears that no relief has been claimed against the private respondents. The petitioners pray for a direction upon the District Magistrate for engaging an Executive Magistrate for taking physical possession of the secured asset as the officer who was initially appointed for taking physical possession has been transferred.
5. In such a situation, the District Magistrate is required to appoint another Executive Magistrate for taking physical possession of the subject property.

6. Hence, the instant writ petition is disposed of by directing the District Magistrate, South 24 Parganas to appoint an Executive Magistrate for implementation of the order passed under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Steps shall be taken in the matter at the earliest but positively within thirty days from the date of communication of this order.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

