

D/L 27
07.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 30668 of 2024

Jayanta Chowdhury
Vs.
Canara Bank & Ors.

Mr. S. Bandyopadhyay
Mr. A.K. Singh
Ms. S. Majumdar
Mr. I. Chakraborty

...for the Petitioner.

Mr. Omkar Ganguly
Mr. Ayanabha Raha
Mr. Navneet Yang Lama

...for the Canara Bank.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner alleges that the Canara Bank is deducting amount from his savings bank account for liquidation of a loan which, though sanctioned, was never disbursed in his favour.
3. Prayer has been made to direct the bank to return the original documents of the petitioner.
4. Learned advocate representing the bank submits, upon instruction that, on the self-same cause of action a proceeding is pending before the learned Debts Recovery Tribunal-III, Kolkata being SARFAESI Application No. 627 of 2024.
5. The application made by the petitioner before the Tribunal for setting aside the notice dated 7th October, 2024 under Section 13(8) of SARFAESI Act, 2002 has been placed before this Court.
6. It appears that, the allegation of the petitioner is pleaded in the interim application filed by the petitioner before the Tribunal. As the petitioner is already proceeding before the learned Tribunal against the bank, accordingly, the same prayer cannot be renewed by filing the present writ petition.

7. The writ petition stands dismissed. It will be open for the petitioner to raise all issues before the learned Tribunal.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Amrita Sinha, J.)