JPD-04
Ct No.01
02.08.2025
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 155 of 2025

Subrata Singha
Vs.
The Authorized Office, UCO Bank and others

Mr. Debabrata Dhar, Ld. Sr. Adv.,
Mr. Ankan Mitra
…. for the petitioner

Mr. Deborshi Dhar
….for the UCO Bank

Mr. Nabankur Paul,
Mr. Sumit Kumar
….for the State

1. Learned counsel for the petitioner contends that the petitioner, being a borrower under the SARFAESI Act, had come up challenging an order passed under Section 14 of the SARFAESI Act by the concerned District Magistrate before this Court.
2. There were two previous orders passed by two coordinate Benches on earlier occasions, whereby the bank was directed to serve a copy of the concerned communication on the petitioner, which has been violated by the bank as well as by the District Magistrate.

3. However, on a bare perusal of the present application under Article 227 of the Constitution of India, I find that the same challenges a possession notice annexed at page-65 of the application which is merely a communication to the effect that the borrower, having failed to repay the amount, notice was given to the borrower and public in general that the signatory therein, that is, the Authorized Officer of the UCO Bank, has taken possession of the property described thereinbelow in exercise of powers conferred on him under sub-section (4) of Section 13 of the said SARFAESI Act read with Rule 8 of the Security Interest (Enforcement) Rules, 2002 on July 04, 2025.
4. Thus, the impugned notice does not comprise of any adjudication/decision at all but is merely an intimation that possession has already been taken.
5. In any event, if any dispute is to be raised in respect of the root cause of action of such possession being taken, it is always open before the petitioner to approach the concerned Debts Recovery Tribunal, if such a challenge is otherwise mainatainable.
6. Although learned counsel for the petitioner expresses the intention of the petitioner to clear off the entire dues by three instalments, since the present application *prima facie* is not

entertainable, there is no scope of granting such relief to the petitioner at all.

7. Accordingly, CO 155 of 2025 is dismissed as not maintainable, without any order as to costs.

8. However, nothing in this order shall prevent the petitioner from approaching the opposite party-bank directly to explore avenues of amicable settlement, if any. If so approached, the bank will be at liberty to consider such proposal of the petitioner or not in its discretion and in accordance with law.

9. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)