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NANDY

(DISMISSED)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 299 of 2026

**APURBA ROY & ANR.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Sabyasachi Chatterjee, Advocate
Ms. Priya Sisgar, Advocate

.....for the Petitioners

Ms. Soni Ojha, Advocate
Ms. Sambrita B. Chatterjee, Advocate

.....for the Respondent Nos. 4 & 5

Mr. Sambuddha Dutta, Advocate
Mr. Ritesh Kumar Ganguly, Advocate

.....for the State

1. The petitioners are aggrieved by the acts of commission and/or omission of the respondent no. 4, financial authority, taking possession of the mortgaged property pursuant to an order passed by the Chief Judicial Magistrate, Howrah, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act).
2. The factum of possession was challenged before the Debts Recovery Tribunal, which by an order of 02.01.2026 has refused any interim protection. A copy of such order is taken on record.
3. The remedy of the petitioners, which is a statutory remedy, lies before the Debts Recovery Appellate Tribunal, which the petitioners are free to pursue.
4. In the circumstances afore-stated, the present writ-petition challenging the possession taken by the respondent no. 4 of the mortgaged property has become infructuous in view of the actual physical possession of the mortgaged property having been taken by the respondent no. 4.

5. This fact was brought to the notice of the Court by Mr. Dutta, learned Advocate appearing for the State authorities, who has filed a report of the Police Authority to such effect. A copy of such report is taken on record.
6. In the circumstances afore-stated, **WPA 299 of 2026** is **dismissed**. There shall, however, be no order as to costs.

(Reetobroto Kumar Mitra, J.)