

19.01.2026.
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Ct.No.24.
as

WPA 949 of 2026

Samiran Roy
Vs.
The Chief Judicial Magistrate,
South 24-Paraganas, Alipore & Ors.

Mr. Ritoban Sarkar,
Ms. Subarnarekha Misra,
Mr. Sattik Rout,
Ms. Sudeshna Maji.

...for the Petitioner.

Ms. Jayati Chowdhury,
Ms. Reshmi Singhee,
Ms. M. Chowdhury,
Ms. Sucheta Mityra.

...for the Respondent no.2.

Ms. Roshni Bothra (VC).

...for the UOI.

1. This matter is taken up from the urgent determination assigned to this Bench for the day.
2. The petitioner's grievance is that the loan account of the petitioner has been declared as a non-performing asset in utter disregard and violation of the circular issued by the Reserve Bank of India relating to declaration of secured assets as "non-performing assets".
3. Mr. Sarkar, learned Advocate appearing for the petitioner submits that an application under Section 17 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002

(hereinafter referred to as the said Act), has been filed and is pending before the Debts Recovery Tribunal-III, Kolkata.

4. The petitioner has been served with a possession notice under Rule 8(1) of the Security Interests Rules.

5. Ms. Chowdhury, learned Advocate appearing for the respondent Bank submits that not only as the possession notice issued by the Bank, but an order has also been obtained under the Section 14 of the said Act from the appropriate authority.

6. Since there is a statutory remedy available to the petitioner, it would be trite that the petitioner avail of such available remedy before seeking the intervention from the Writ Court.

7. However, as informed, the application has been fixed for hearing in March, 2026, by which time, the petitioner would have been dispossessed and the application itself would have become infructuous.

8. Ms. Chowdhury in her usual fairness has submitted that she has no difficulty if the matter is directed to be preponed before the Debts Recovery Tribunal-II, Kolkata having charge over the matters of the Debts Recovery Tribunal-III, which is presently lying vacant. The Debts Recovery Tribunal-II is directed to take up and dispose of this matter by January 30, 2026 on an urgent basis, provided the petitioner puts an appropriate application seeking preponement of Section 17 of the application by January 22, 2026. The Debts Recovery Tribunal will take into consideration the process and the manner in which the

loan account of the petitioner has been declared as a non-performing asset by the respondent Bank.

9. In the event the Bank takes possession of the property of the petitioner, the same will abide by the result of the Section 17 application, to be decided by the Debts Recovery Tribunal.

10. With the aforestated direction, the writ petition is disposed of.

11. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.

12. There shall be no order as to costs.

13. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)