

12.02.2026

Sl. 05
Ct. 551
(Samar)

WPA 2300 of 2025

Mr. Bhavatosh Jha
Vs.
Union of India & Ors.

Mr. Tapash Kumar Dey,
... for the petitioner.

Mr. Swapan Dutta
Mr. Vivekananda Bose,
Mr. Arkadipta Sengupta,
.... for the State.

Mr. Debabrata Das,
Mr. A. Sarkar,
Mr. Pratik Acharjee,
.... for the respondents no. 2.

Ms. Parna Roy Choudhury,
Ms. Payel Ghosh,
Ms. Trisa Chanda
.... for the PNB respondent Bank.

Mr. Samarjit Roy Choudhuri,
Mr. Pradip Paul,
.... for the Union of India.

1. This writ petition has been filed alleging arbitrary action on the part of the respondent Punjab National Bank in not handing over to the petitioner, the possession of the property (hereafter “the subject property”) that the petitioner has purchased in auction conducted under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter “the SARFAESI Act”) and the Rules framed thereunder.
2. Today, learned advocate appearing for the respondent State authorities hands up to court a copy of an order dated February 11, 2026 passed by the District Magistrate, North 24 Parganas and submits that the said District Magistrate has passed necessary orders in

terms of Section 14 of the SARFAESI Act, thereby directing the relevant Executive Magistrate to take physical possession of the subject property and hand over the same to the respondent bank in terms of the provision of Section 14 of the SARFAESI Act. A copy of the said order dated February 11, 2026 handed up to Court is taken on record.

3. The learned advocate appearing for the bank authorities submits that bank has already received a copy of the said order dated February 11, 2026 passed by the said District Magistrate.
4. It is submitted by the learned advocate appearing for the respondent State authorities that the Bank authorities are also required to take appropriate steps in terms of the said order. It is noticed that in the said order dated February 11, 2026, the District Magistrate, North 24 Parganas has indicated as follows:

“Whereas Authorized Officer, Punjab National Bank, Bhowanipur Branch, 5, S.P. Mukherjee Road, Kolkata – 700025 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 – Parganas, as well as to Smt. Tulika Dutta (Banerjee), Executive Magistrate by Section 14 of BNSS Act, 2023, in the Office of the Sub Divisional Officer, Barrackpore, North 24 – Parganas, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of District Magistrate, North 24 – Parganas, The Commissioner of Police, Barrackpore, North 24 – Parganas, will provide police force for maintenance of law & order. The secured creditor will remain present at the time of taking over physical possession.”

5. The bank authorities shall therefore take steps to ensure immediate compliance with the requirements

indicated in the said order passed by the said District Magistrate.

6. It is expected that the bank authorities shall also take expeditious steps to put in the requisite costs and other necessary charges required for availing Police assistance in accordance with law for taking physical possession of the subject property. The bank shall upon taking physical possession of the subject property, forthwith make over possession of the said property to the petitioner i.e. the auction purchaser.
7. Since the auction sale had been concluded and sale certificate had been issued in favour of the petitioner as far back as on March 22, 2018, therefore, the respondent State authorities as well as the bank are requested to ensure that the auction purchaser gets actual physical possession of the subject property expeditiously and preferably within a period of two weeks from the date of communication of this order.
8. With the aforesaid observations, WPA 2300 of 2025 stand disposed of.
9. There shall, however, no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities

(Om Narayan Rai, J.)