

Item-18. 19-02-2026

sg Ct. 19

WPA 3687 of 2026

HDFC Bank Ltd.
Versus
Union of India & Ors.

Mr. Kallol Basu
Mr. Arnab Das
Mr. Dyutimay Paul
Mr. Rehanuddin Ansari
...for the petitioner
Mrs. Manju Agarwal, Sr. Adv.
Ms. Anita Pandey
Ms. Srijani Mukherjee
...for the respondent nos.1
Mr. Vivekananda Bose
Ms. Deboleena Ghosh
...for the State
Mrs. Benajir Hasna
Mr. Salil Haider
Mr. Alul Islam
...for the respondent no.8

Mr. Vivekananda Bose, learned Junior Standing Counsel, appearing for the State files a copy of the written instruction given by the Sub-Inspector, Lalgola, Murshidabad Police District dated 16th February, 2026 addressed to the learned Government Pleader, High Court at Calcutta, which is taken on record.

A copy of such written instruction has been supplied to Mr. Kallol Basu, learned Advocate appearing for the petitioner.

The cause of action for filing of the writ petition as evident from the averments made in the writ petition, is that the local Police Authorities verbally directed the Branch Manager of the petitioner Bank to discontinue operations of the bank with effect from 11th February, 2026 from the premises in question.

Mr. Kallol Basu submits that no written order of any of the authorities directing the petitioner Bank to vacate the premises in question was served upon the petitioner. He submits that the petitioner is a lessee in respect of the property in question under the 8th respondent. Mr. Basu submits that a lessee cannot be evicted from the leasehold premises without due process of law.

Mrs. Manju Agarwal, learned Senior Counsel appearing for the Union of India, submits that in a proceeding intimated under the Narcotics Drugs & Psychotropic Substances Act, 1985, an order under Section 68F(2) has been passed and the freezing order in respect of the premises in question has also been passed and confirmed under Section 68F(2) of the said Act.

It appears from page 137 of the writ petition that the freezing order has been affixed on a portion of the said property.

Mrs. Agarwal further submits that Section 68U of 1985 Act provides for taking over possession of the property in question. She, however, submits that the stage has not yet reached for taking possession of the property in question from the writ petitioner.

Mr. Vivekananda Bose submits, on instruction, that the Police Authorities have not passed any order directing the petitioner in writing to move out from the property in question nor any verbal communication in that regard has been made. He submits that the allegation made by the writ petitioner in that regard is without any basis. He submits that

the order passed under Section 68F of 1985 Act was communicated to the petitioner only to make the petitioner aware of the pendency of a proceeding under the 1985 Act.

The learned Counsel appearing for the 8th respondent submits that challenging the order passed under Section 68F of the 1985 Act, the 8th respondent has preferred an appeal before the Appellate Tribunal. He further submits that the order passed under Section 68F of the said Act has not been confirmed in full.

As observed hereinbefore, that the immediate grievance of the petitioner is that, the Police Authorities have orally directed the petitioner to suspend the operations of the Bank from the leasehold property.

In the light of the stand taken by the State and the Union of India, it appears to this Court that the petitioner has approached this Court at a premature stage.

With the above observations, the writ petition stands disposed of by leaving the petitioner free to work out his remedies in accordance with law at the appropriate stage, if so advised.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)