

D/L.23.
April 16, 2026.
KAUSHIK

WPA No. 4079 of 2026

Sandhya Ghosh
Vs.
Bantra Cooperative Bank & Ors.

Mr. Partha Sarathi Das
Mr. Umar Shadique
Ms. Purnima Panda
Mr. Agni Jyoti Chanda
Ms. Maria Sharwari
Ms. Swarnali Ghosh
... for the petitioner

Mr. Ashit Kumar Chakraborty
Ms. Sunanda Mohan Ghosh
... for the respondent no. 1.

Affidavit-in-Reply filed on behalf of the
petitioner be kept with the records.

The grievance of the petitioner is directed
against failure of the respondent bank to issue a
discharge-release of Mortgage Certificate (DRM)
in favour of the petitioner.

The petitioner claims to be an innocent
third party bonafide purchaser and submits that
she has purchased a secured asset from the
borrower, who is the private respondent no. 3.

In this background, the petitioner has
approached the Writ Court for issuance of a DRM
Certificate.

On behalf of the respondent bank, a
supplementary Affidavit has been filed, which
discloses that the aggregate dues of the private
borrower are approximately Rs. 1 crore.

It is submitted on behalf of the respondent
bank that the premises which forms the subject

matter of the writ petition, is a secured asset in the hands of the respondent bank. It is further appears from the Supplementary Affidavit that there are different credit facilities, which have been mortgaged to the private respondent and the aggregate dues in respect of same remain outstanding.

In view of the fact, that there are huge dues payable by the private respondent to the respondent bank, there is no question of exercising any discretion in favour of the petitioner. It is also in public interest that no such discretion be exercised in favour of the petitioner. There are also serious doubts as to the bonafides of the petitioner and the question of whether the petitioner in collusion with the private respondent is attempting to defraud the bank requires to be examined in an independent action.

In such circumstances, WPA 4079 of 2026 stands dismissed. Liberty is granted to the petitioner to avail of its statutory alternative remedy in accordance with law, if so advised.

A copy of the supplementary Affidavit filed in Court is handed over to the petitioner.

(Ravi Krishan Kapur, J.)