

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4020 of 2026

Maa Muktakeshi Potato Freezing
Private Limited & Anr.
-versus
State of West Bengal & Ors.

Mr. Debabrata Saha Roy, Sr. Advocate
Mr. Neil Basu
Mr. Sankha Biswas
Mr. Avidipta Paul
Ms. Oindrilla Sarkar
... For the petitioners

Mr. Vijay Agarwal
Ms. Moumita Karmakar
... For the State

Mr. Saptansu Basu, Sr. Advocate (vc)
Mr. Abhishek Banerjee
Ms. Trisa Chanda
... For the respondent nos.9 & 10

Mr. Kishore Mukherjee
Ms. Dipanwita Gupta
... For the proposed added respondent

1. Affidavit of service filed in Court today is taken on record.

2. Report filed on behalf of the State is also taken on record.

3. The petitioners are aggrieved by the steps taken by the secured creditor to recover the loan amount. Stand of the writ petitioners is that they have

never taken any loan from any bank. The property of the petitioners has never been mortgaged to the bank.

4. According to the Bank, steps have been taken for recovery of the loan amount which was disbursed in favour of one Maa Jagatgouri Rice Mill Private Limited.

5. According to the borrower, the writ petitioners have encroached upon the property of the borrower. The borrower has already approached the Debts Recovery Tribunal for relief by filing SA, being no.352 of 2023.

6. According to the writ petitioners, the Bank ought not to take steps to sell the private property of the petitioners as the said property is not mortgaged with the Bank.

7. The Bank asserts that apart from the mortgaged property, the Bank is not taking any steps to sell any other property.

8. The submission of the Bank is disputed by the petitioners.

9. From the submissions made on behalf of all the parties it appears that there is a dispute with regard to identification of the property which is the subject matter of the loan. The Writ Court is not the competent forum to adjudicate such issue. There are enough

provisions in the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

10. The instant writ petition stands disposed of with the observation that it will be open for the parties to take necessary steps before the competent forum in accordance with law for redressal of grievances, if so advised.

11. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Amrita Sinha, J.)