

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4603 of 2026

Sujit Bandhu Saha
Vs
State of West Bengal and Ors.

Mr. Narayan Debnath,
Ms. Bishalaxmi Ghosh,
Ms. Taniya Chakraborty
...For the petitioner

Ms. Srijani Ghosh,
Ms. Ankita Jha,
Ms. Kripa Kami
... For the respondent no.2

Mr. Md. Farhaduddin,
Mr. Sagnik Bhattacharya
...For the State

1. The grievance of the petitioner is directed against the action of the respondent no. 2 in taking physical possession of the subject premises.
2. Briefly, the respondent no. 2 is a financial institution which had advanced monies to the private respondent nos. 4 and 5. As security, the respondent nos. 4 and 5 had secured an immovable property to the financial institution.
3. In view of the periodic defaults committed in payment of the loan, the financial institution initiated proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI) which culminated in an order under

section 14 of SARFAESI directing actual physical possession of the secured asset.

4. The petitioner alleges to be a lawful tenant carrying on a business in the name of one 'Innova Export' and dealing with livestock.
5. It is submitted on the behalf of the petitioner that the petitioner is neither a guarantor nor a mortgager and has no privity of contract insofar as the transaction between the private financial institution and the private respondents are concerned. In this background, the petitioner complains that there should no interference with her lawful possession on the secured property.
6. After hearing the submissions made on behalf of the parties, the petitioner has not been able to demonstrate an iota of a legal right to seek interference with the proceeding initiated by the financial institution. There no infirmity in the order passed under section 14 of the Act nor is there any contravention of any law nor perversity nor illegality which the petitioner has been able to demonstrate warranting any interference by this Court.
7. In any event, the petitioner has an alternative statutory remedy under SARFAESI insofar as any action under section 14 is concerned.
8. In such circumstances, there is no merit in the writ petition. WPA 4603 of 2026 stands dismissed

both on the ground of maintainability and on merits. There shall be no order as to costs.

(Ravi Krishan Kapur, J.)