

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6897 of 2026

Susila Devi Jaiswal
Vs.
The Union of India and Anr.

Mr. Ganesh Chandra Patra
Mr. Osman Gani Mallick
... For the petitioner

Ms. Hasi Saha
...For the UOI

Mrs. Soni Ojha
Mr. Pranit Biswas
...For the respondent no.2

1. The grievance of the petitioner is directed against action which have been initiated under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI).
2. The petitioner is aggrieved by the taking over of possession of the secured asset by the respondent bank and seeks an order of stay primarily on the ground that the Debt Recovery Tribunal II is overburdened. in view that all matters have been transferred from the DRT III to DRT II.
3. The respondent bank is represented and submits that the total dues payable by the petitioner are in excess of Rs.60 lacs approximately.
4. The Union of India is also represented.

5. In view of the statutory alternative efficacious remedy available to the petitioner under the provision of the SARFAESI there is no scope of exercising any discretion in favour of the petitioner. The petitioner is an admitted defaulter and has failed to repay public funds. The petitioner has been unable to come within any of the well defined exceptions warranting exercise of the discretionary jurisdiction of the Writ Court. In view of the above, WPA 6897 of 2026 stands dismissed.
6. Liberty is granted to the petitioner to avail of a statutory remedy in accordance with law, if so advised.
7. It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the Tribunal in accordance with law.

(Ravi Krishan Kapur, J.)