

D/L.10.
April 09, 2026.
KAUSHIK

WPA No. 7812 of 2026

Sri Jagadish Chandra Roy & Anr.
Vs.
Indian Overseas Bank & Ors.

Mr. Debasish Kar
Mr. Husen Mustafi
Ms. Paromita Mukherjee
Ms. Rimi Sil
... for the petitioner

Mr. Sambuddha Dutta
Mr. Ritesh Kumar Ganguly
... for the State

Affidavit of Service filed in Court is taken
on record.

The grievance of the petitioner is directed
against action, which has been initiated by the
respondent-bank under section 13(2) of the
Securitization and Reconstruction of Financial
Assets and Enforcement of Security Interest Act,
2002 (SARFAESI) Act.

It is submitted on behalf of the petitioner
that the petitioner had purchased the premise as
far back as in 2023. Thereafter, the petitioner
was surprised to learn of a Possession Notice
affixed at the premises. It appears that the
respondent-bank has initiated action under
Section 13(2) of the SARFAESI Act.

In view of the submissions made on behalf
of the parties and in the light of the statutory
alternative efficacious remedy under section 17 of

the SARFAESI Act, this Court is not inclined to entertain this writ petition. There are no exceptional circumstances warranting exercise of jurisdiction by the Writ Court.

In view of the above, WPA 7812 of 2026 stands dismissed. Liberty is granted to the petitioner to approach the appropriate Debts Recovery Tribunal in accordance with law.

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 DRT strictly in accordance with law.

(Ravi Krishan Kapur, J.)