

15.01.2026
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WPA 10864 of 2022

Afjal Hossain Mondal
Vs.
Union of India & Ors.

Mr. Tanmoy Basu
Mr. Manoj Adak
..... for the petitioner

Ms. Sucharita Roy
..... for the State

Mr. Dipanjan Dutta
Mr. Subhajit Chowdhury
Ms. Esha Basak
..... for the Bank of Baroda

1. The petitioner is aggrieved by an order passed by the respondent no. 5 under Section 14 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "said Act").
2. This order passed sometime in 2021, has been acted upon and possession has, thereafter, been taken by the Bank sometime in January, 2025, as will appear from the bunch of documents produced by Mr. Dutta, learned Advocate appearing for the Bank. Let this bunch of documents be kept on record.
3. The principal point of the petitioner is that the mortgaged property is an agricultural land and

hence does not come within the domain of the said Act.

4. This contention is disputed by Mr. Dutta, learned Advocate appearing for the Bank, in as much as the said land is used by the petitioner for his residential purpose.
5. I am informed that subsequently a sale notice has been issued by the concerned Bank on January 7, 2026.
6. In view of the decision of the Hon'ble Supreme Court of India in the matter of *CELLR LLP vs. Bafna Motors (Mumbai) Private Limited & Ors.* reported in (2024) 2 SCC 1, once a sale notice has been issued, the right to redeem the mortgaged properties is extinguished and it cannot be appropriate for a Court, while exercising jurisdiction under Article 226 of the Constitution of India, to stay the sale or provide an opportunity of redemption. The petitioner has his remedies under the law, which are statutory remedies, which the petitioner ought to have availed. The contention of the petitioner that the provisions of the Act are not applicable in view of Section 31(i) of the Act, is an issue which can be and indeed ought to be raised before the Debts Recovery Tribunal. The petitioner has a statutory remedy available for such purpose.

7. In view of the aforestated, the writ petition is accordingly dismissed.
8. There shall, however, be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)