

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11916 of 2026

Jana Small Finance Bank Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Shashwat Nayak
Mr. Amar Singh
Mrs. Tutul Das (Singh)
Mr. Bhaskar Chakraborty
Ms. Subharchita Mukherjee
Ms. Alivia Bhattacharjee
... For the petitioners

Mrs. Indrani Chakraborty
Mr. Falguni Bandyopadhyay
Mrs. Sarda Sha
...For the State

Mr. Vipul Kundalia
Ms. Anujit Mookherji
...For the respondent no.1

Mr. Bikash Goswami
Mr. Osman Gani Mallick
Ms. Shipra Santra
...For the respondent no.3

1. The grievance of the petitioner is directed against an order dated 13 April 2026 passed by the Chief Judicial Magistrate, Purba Bardhaman *inter alia* recalling an earlier order dated 3 February 2026 which has been passed under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI).
2. It is submitted on behalf of the writ petitioner that the impugned order is in excess of jurisdiction and could not have been passed on the ground

that the concerned Judicial Magistrate had become *functus officio* and had no jurisdiction to recall its order dated 3 February 2026.

3. On behalf of the State respondents, it is fairly submitted that there is no legal basis for passing of the impugned order and the concerned Chief Judicial Magistrate had become *functus officio* and could not have recalled his order passed under section 14 of the Act. The above legal position is also not seriously opposed by the private respondent no.3 being the constituent. In such circumstances, the impugned order dated 13 April 2026 stands recalled.
4. It is submitted on behalf of the private respondent that an appeal under section 17 of the SARFAESI (being TSA 11 of 2025) has also been filed before the Debts Recovery Tribunal. It is made clear that there has been no adjudication on the merits of the case and this order has been passed exclusively on the ground of lack of jurisdiction.
5. With the above directions, WPA 11916 of 2026 stands disposed of. Liberty is granted to the parties to agitate their grievances before the Debts Recovery Tribunal in accordance with law, if so advised.
6. Without prejudice to the rights and contentions of the parties, in view of the fact that the husband of the private respondent has since deceased and that the outstanding loan is for a sum of Rs.7.5

lacs (excluding interest) both parties are requested to try to amicably resolve their differences.

(Ravi Krishan Kapur, J.)