D/L.04.
June 17, 2026.
KAUSHIK

WPA No. 13014 of 2026

Iswahok Ali Khan
Vs.
West Bengal Gramin Bank & Ors.

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray
… for the petitioner.

Mr. Rahul Sarkar
Ms. Debalina Das
… for the Bank

Mr. Falguni Bandyopadhyay
… for the State

The grievance of the petitioner is directed against a possession notice dated 9 June, 2026 issued by the West Bengal Gramin Bank, inter alia, intimating the petitioner of taking possession of the immovable property which had been furnished as security for a loan obtained by the petitioner.

Admittedly, the petitioner had taken a loan of Rs.3,00,000/- in 2010, subsequently enhanced by an additional loan of Rs.2,00,000/- in 2012. The petitioner alleges that certain installments on account of interest were paid till 2017 and thereafter, the petitioner has stopped making any payment either on account of principal or on account of interest.

The respondent no. 2 bank had issued a notice dated 3 September, 2018 under section 13(2) of the Securitization and Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI), which was recalled on 12th October, 2018. The Bank thereafter instituted a Money Suit No. 35 of 2021 before the Civil Judge, Junior Division, Uluberia. The said suit was dismissed on 4th December, 2025.

On behalf of respondent bank, it is submitted that a fresh notice under section 13(2) of the Act of 2002 was issued on 7th October, 2023 and the impugned notice for possession is subsequent thereto.

The petitioner fairly submits that the entire amount of Rs.5,00,000/- which has been initially taken as loan alongwith interest, is not to be treated as a gift by the respondent bank. The petitioner offers to pay the entire sum in reasonable installments.

On behalf of the respondent bank, it is submitted that the total dues are in excess of Rs.16,00,000/-.

In view of the above, there is no enforceable legal right which the petitioner can claim in this writ petition. The petitioner is a defaulter and has defrauded the respondent bank. Regardless of the ill-advised civil suit filed by the bank, there is no embargo nor restraint in proceeding further with the notice dated 7

October, 2023 served under section 13(2) of the SARFAESI Act, 2002.

In view of the above, the writ petition stands dismissed on the ground of maintainability alongwith costs assessed at 500 GMS payable to the respondent bank.

The petitioner also has an adequate alternative efficacious statutory remedy available under the provision of the Act of 2002. The respondent bank is directed to take expeditious steps for recovery of their loan. Liberty is also granted to the respondent bank to initiate appropriate criminal proceedings, if so advised.

Let a copy of the order be served on the Chairman of the respondent Bank to apprise him of the casual manner in which recovery proceedings are being conducted by the bank.

(Ravi Krishan Kapur, J.)