

09.04.2026

Ct. No. 7
Sl. No. 5
RANJAN

WPA 20473 of 2025

**SUDHA GUPTA
VS.
STATE OF WEST BENGAL & ORS.**

Mr. Tanmay Basu
Mr. Sayan Banerjee
.....for the Petitioner
Mr. Suman Sengupta
Ms. Amrita Panja Moulick
.....for the State

The petitioner seeks restraining order on the respondent bank from taking any action in respect of the subject premises.

It is submitted on behalf of the petitioner that they had purchased a flat morefully described in the petition. Subsequent to such purchase, the petitioner had come to learn that the flat had been mortgaged by the erstwhile owner with the respondent bank.

In such circumstances, the petitioner seeks appropriate restraint orders on the respondent bank from interfering with the possession of the petitioner. The petitioner alleges to be a *bona fide* purchaser without notice and asserts that the respondent has no right to interfere with the possession. Admittedly, the proceeding is pending against the erstwhile owner of the premises before the Debt Recovery Tribunal.

In view of the statutory alternative remedy under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFAESI Act), the petitioner has a statutory efficacious remedy.

In such circumstances, WPA 20473 of 2025 stands dismissed. Liberty is granted to the petitioner to approach the appropriate Debt Recovery Tribunal.

It is made clear that there has been no adjudication on the merits of the case and all issues are left open to be decided in accordance with law.

(RAVI KRISHAN KAPUR, J.)