06.10.2026
Sl. No. 8
Ct No. 446
SG

WPA 28219 of 2026

Canara Bank & Anr.
Vs
The State of West Bengal & Ors.

Ms. Sreemoyee Mitra.
...for the petitioner-Bank

Ms. Aparna Banerjee, ld. AGP
Mr. Atanu Basu.
...for the State

1. Affidavit-of-service as filed by the petitioners is taken on record.

2. The present writ petition has been preferred alleging inaction on the part of the concerned respondent in rendering police assistance to the person deputed by the learned Chief Judicial Magistrate to take over physical possession of the secured asset.

3. Ms. Mitra, learned Advocate appearing for the petitioner-Bank, submits that, as the borrower failed to repay the loan in accordance with the repayment schedule, the Bank was compelled to initiate proceedings under the SARFAESI Act (for short, "the Act"). Upon completion of all formalities, the Bank invoked Section 14 of the Act by preferring an application before the learned Chief Judicial Magistrate, Purba Bardhaman, which was registered as Misc. Case No. 759 of 2025 and was disposed of by an order dated 14th January, 2026. By the said order, Lakshi Priya Roy, learned Advocate of Bardhaman Bar Association, was appointed as Special Officer to take over physical possession of the secured asset and hand over the same

to the secured creditor. The Inspector-in-Charge, Burdwan Police Station, was also directed to provide adequate police force to the Special Officer/Advocate Commissioner. However, since such police assistance has not been rendered, physical possession of the secured asset could not be taken. In view thereof, the petitioner-Bank submitted an application before the Superintendent of Police. However, despite receipt of such application, no effective steps have been taken. In the aforesaid circumstances, the Bank has preferred the present writ petition.

4. In course of hearing, Ms. Banerjee, learned Advocate representing the State, submits that as and when the cost towards rendering police assistance will be deposited by the petitioner-Bank, a ground-level assessment shall be made to ascertain the requisite police force for taking over physical possession of the secured asset, and thereafter, necessary police assistance shall be provided to the Bank.

5. In view thereof, the petitioner is directed to deposit the requisite cost towards rendering police assistance, and upon deposit of such cost, the Superintendent of Police, Purba Bardhaman, shall provide the necessary police assistance. Such assistance shall be provided to the Special Officer within a period of one month from the date of deposit of such cost.

6. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

7. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Partha Sarathi Chatterjee, J.)