06.10.2026
Sl. No. 10
Ct No. 446
SG

WPA 28348 of 2026

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

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

Mr. Lokenath Chatterjee,
Ms. Sneha Chatterjee.
...for the State

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

2. The present writ petition has been preferred praying for a direction upon the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat, to dispose of Mis. Case/Securitization Application No. 83 of 2026, arising out of an application presented by the secured creditor under Section 14 of the SARFAESI Act (for short, "the Act"), expeditiously and within a time-bound manner.

3. Ms. Mitra, learned Advocate appearing for the petitioner-Bank, submits that, as the borrower failed to repay the loan as per the repayment schedule, the Bank was constrained to take measures under the SARFAESI Act (for short, "the Act"). Upon completion of all formalities, the Bank presented an application under Section 14 of the Act before the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat, and the said application was registered as Mis. Case/Securitization Application No. 83 of 2026. She submits that, as per the legislative mandate embodied in Section 14 of the Act, the

application is required to be decided within a period of 30 days from the date of the application, which may, at the highest, be extended up to 60 days. She, accordingly, prays for a direction upon the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat, to dispose of the said application as expeditiously as possible within a specified period.

4. Mr. Chatterjee, learned Advocate appears on behalf of the State.

5. The petitioners claim that the application was presented before the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat, on 22nd July, 2026. Undisputedly, the provisions of Section 14 of the Act mandate that such application be disposed of within a period of 30 days from the date of its presentation. If the said application cannot be disposed of within the said period of 30 days for any reason beyond his control, the Magistrate is required to record the reasons in writing and pass the order within such extended period, which shall not exceed 60 days.

6. Having regard to the facts and circumstances of the case and considering that the application has been pending for consideration before the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat, since 22nd July, 2026, the present writ petition is disposed of by directing the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat, to dispose of the application within a period of six weeks from the date of receipt of a copy of this order.

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

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

(Partha Sarathi Chatterjee, J.)