

30.01.2026.
16
Ct.No.24.
as

WPA 25544 of 2025

Dharma Ruidas
Vs.
Punjab National Bank & Ors.

Mr. Uttiya Ray,
Ms. Anima Maiti.
...for the Petitioner.

Mr. Sambuddha Dutta.
...for the State.

Ms. Parna Roy Chowdhury.
...for the Respondent Bank.

Mr. Pinaki Ranjan Chakraborti.
...for the Respondent No.9.

1. The petitioner's grievance, that inspite of making payment of the entire sum, in excess of Rs.32 lakhs, in an auction held by the respondent Bank, possession thereof has not been handed over to him. This primarily as the respondent No.9 herein, alleging to be a tenant of the said property is creating multiple hurdles.

2. It is true that the tenant has filed an application under Section 17 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the said Act), which is pending adjudication since 2024, the mere pendency of an application cannot be construed as a stay order and thereby impede the rights of the auction purchaser, who has rendered the entire payment in 2024.

3. Since handing over possession of the property is not a measure construed under Section 17 of the said Act as held by the Hon'ble Supreme Court of India in the case of Delhi Development Authority Vs. Corporation Bank & Ors. (In Civil Appeal No.11269 of 2016).

4. This cannot be construed as a dispute between the auction purchaser and the respondent Bank. The grievance of the auction purchaser is that possession has not handed over possession inspite of payments in respect of such purchase being made by him way back in 2024.

5. Clearly, this does not fall within the domain of the said Act.

6. In view thereof, the respondent Bank is directed to hand over possession of the mortgaged property to the petitioner by February 20, 2026.

7. The respondent No.5 is directed to ensure that adequate police personnel are deployed to enable smooth and peaceful hand over of possession of the mortgaged property from the borrower to the respondent Bank.

8. The respondent No.5 is also directed to render all assistance and deploy police personnel to ensure that possession of the property is handed over smoothly and peacefully by the respondent Bank in favour of the petitioner by the aforestated date.

9. Ms. Roy Chowdhury further submits that the requisite deed of conveyance will be executed consequent to handing over possession to the auction purchaser.

10. With the aforestated direction, the writ petition is disposed of.

11. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.

12. There shall be no order as to costs.

13. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)