06.10.2026
Ct. No.446
Sl. No.6
akd

W. P. A. 28178 of 2026

[Hasina Bibi -Vs- State Bank of India& Ors.]

Mr. Debashis Banerjee
Mr. Subrata Saha
Mr. Rakesh Jana
... ... for the petitioner

Mr. Shiv Mangal Singh
Ms. Anjali Mishra
... ... for respondent nos. 1to 5
[State Bank of India]

1. Affidavit-of-service filed in court today is taken on record.

2. The present writ petition has been preferred primarily praying for a direction upon the District Magistrate, Murshidabad, to furnish certified copies of the application presented by the respondents/State Bank of India (hereinafter referred to as "the Bank") before him under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, "the SARFAESI Act"), together with the affidavit filed in support thereof, on the basis whereof Case No. 43 of 2026 came to be registered.

3. Mr. Banerjee, learned Advocate appearing for the petitioner, submits that the petitioner had availed of certain financial facilities from the Bank, including a cash-credit facility, a Home Loan Top Up and a Funded Interest Term Loan (FITL). However, owing to reasons beyond her control, the petitioner could not adhere to the repayment schedule. Consequently, the Bank initiated measures under the SARFAESI Act and issued a notice under Section 13(2) thereof, followed by a notice under Section 13(4) of the said Act. Aggrieved thereby, the petitioner approached the Debts Recovery Tribunal (in short, "the DRT")

by filing an application under Section 17 of the SARFAESI Act. Thereafter, the petitioner proposed a one-time settlement of the outstanding dues, which the Bank agreed to accept. Pursuant thereto, the Bank dropped the measures initiated under the SARFAESI Act, whereupon the petitioner withdrew the application pending before the DRT. However, the proposed one-time settlement ultimately did not fructify. Consequently, the Bank once again initiated measures under the SARFAESI Act and issued a notice under Section 13(2) thereof, followed by a notice under Section 13(4) of the said Act. Challenging the notice issued under Section 13(4), the petitioner once again approached the DRT by filing an application under Section 17 of the SARFAESI Act, which has been registered as S.A. No. 115 of 2026 and is presently pending before the learned Tribunal for final adjudication.

4. Mr. Banerjee further submits that in the meantime, the Bank has presented an application under Section 14 of the SARFAESI Act before the District Magistrate, Murshidabad. Upon receipt of such application from the Bank, the District Magistrate issued a notice to the petitioner calling upon her to submit certain documents as detailed in the notice dated 27th July, 2026. Upon receipt of the said notice, the petitioner made an application before the District Magistrate requesting him to furnish a certified copy of the application presented by the Bank under Section 14 of the SARFAESI Act, along with the documents annexed thereto. However, despite receipt of such application, the petitioner has not been furnished with a certified copy of the application or the documents annexed thereto. This inaction on the part of the District Magistrate, Murshidabad has prompted the petitioner to prefer the instant writ petition.

5. Mr. Singh, learned Advocate appearing for the respondent nos. 1 to 5 (State Bank of India), denies and disputes the contentions advanced by Mr. Banerjee. He submits that, on an earlier occasion, the Bank had withdrawn all measures initiated under the SARFAESI Act. Consequently, the application filed by the petitioner under Section 17 of the SARFAESI Act, being S.A. No. 41 of 2025, had become infructuous and was accordingly dismissed. He further submits that the proceedings under Section 14 of the SARFAESI Act before the District Magistrate, Murshidabad, or the Chief Judicial Magistrate, as the case may be, are ministerial in nature. In support of his contention, he places reliance on the judgment of the Hon'ble Apex Court in *Balkrishna Rama Tarle [Dead Thr. LRS] & Anr. v. Phoenix ARC Private Limited & Ors.*, reported in *2022 LiveLaw (SC) 799*.

6. Mr. Singh further submits that the petitioner has, in the present writ petition, asserted a right of audience before the District Magistrate or the Chief Judicial Magistrate, as the case may be. Referring to an unreported decision of the Hon'ble Division Bench of the High Court of Judicature at Bombay in *CA. Manisha Mehta & Ors. v. The Board of Directors [represented by its Managing Director of ICICI Bank] & Ors.* (Writ Petition (L) No. 8418 of 2022), he submits that the Hon'ble Division Bench held that the scheme of the SARFAESI Act contemplates observance of the principles of natural justice only to the limited extent provided therein and not beyond what has been expressly stipulated. The Hon'ble Division Bench further held that the language of Section 14 of the SARFAESI Act is clear and unambiguous and does not contemplate any requirement of complying with the principles of natural justice by putting the borrower on notice while an application thereunder is under

consideration. It is, therefore, his submission that the petitioner cannot claim any right of audience before the District Magistrate in connection with an application under Section 14 of the SARFAESI Act.

7. Mr. Singh also submits that the petitioner herself has admitted that, challenging the notice issued under Section 13(4) of the SARFAESI Act, she has already filed an application under Section 17 of the said Act, which has been registered as S.A. No. 115 of 2026 and is pending consideration before the learned Tribunal. He submits that the petitioner is not diligently pursuing the said application, despite the learned Tribunal having granted a last opportunity to the petitioner to file the service report. He further submits that, from the order dated 7th September, 2026 passed in S.A. No. 115 of 2026, it would appear that no service report has, till date, been filed by the petitioner. It is, therefore, his submission that, in view of the aforesaid circumstances, the instant writ petition ought not to be entertained in the present form.

8. Heard the learned Advocate appearing for both the parties and perused the materials on record.

9. Undisputedly, although the petitioner has made certain averments in the writ petition alleging irregularities in the measures taken by the secured creditor under the SARFAESI Act and asserting a right of audience before the District Magistrate, while pressing the present writ petition, the petitioner has confined her prayer to a direction upon the District Magistrate, Murshidabad, to furnish a certified copy of the application presented by the secured creditor before him, together with all documents annexed thereto.

10. Therefore, I refrain from expressing any opinion on the submissions advanced by Mr. Singh with regard to the averments made in the writ petition, particularly when the petitioner has already approached the learned Tribunal and the said application is pending for final adjudication. Any observation on the said issues may have a bearing upon the consideration of the matter by the learned Tribunal.

11. However, having regard to the prayer made in the writ petition and considering the submissions advanced on behalf of the petitioner, the writ petition is disposed of by directing the District Magistrate, Murshidabad, or the authority before whom the application has subsequently been placed for consideration, to furnish to the petitioner a certified copy of the application presented by the Bank under Section 14 of the SARFAESI Act, together with all documents submitted in connection therewith, upon completion of the necessary formalities, within a period of four weeks from the date of receipt of a copy of this order.

12. Needless to mention, a copy of the order, if any, passed by the District Magistrate, Murshidabad, under Section 14 of the SARFAESI Act shall also be made available to the petitioner, upon completion of the necessary formalities and in accordance with law.

13. It is, however, made clear that the direction for furnishing a certified copy of the application along with the documents submitted in connection therewith shall not be construed as conferring any right upon the petitioner to participate in, or to claim any right of audience in, the proceedings initiated under Section 14 of the SARFAESI Act.

14. With these observations and directions, WPA 28178 of 2026 is disposed of.

15. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall be deemed to have not been admitted by the respondents.

16. There shall be no order as to costs.

17. Let urgent Photostat certified copy of this order be made available to the parties, if applied for, upon compliance of usual formalities.

(Partha Sarathi Chatterjee, J.)