

WPA 29316 of 2025

Aditya Birla Housing Finance Ltd. & anr.
Vs.
The State of West Bengal & ors.

Adv. Avishek Guha,
Adv. Sonal Agarwal,

...for the petitioner.

Adv. Debjit Mukherjee,
Adv. Priyanka Jana,

...for the respondent no.6.

Adv. Joydeep Banerjee,
Adv. Raja Ram Banerjee,

...for the State.

Affidavit of service filed by the petitioners and the report submitted by the State are taken on record.

On prayer of the petitioners, liberty is granted to expunge the names of respondent nos. 6 to 9 from the cause title of the writ petition.

The cause title of the writ petition be amended accordingly.

Learned counsel for the petitioners submits that pursuant to an order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002), the petitioners took possession of the property in question. The property was thereafter auctioned and sold to the highest bidder. When the petitioner tried to handover possession of the property to the highest bidder, they were restrained by local hooligans who confined them, misbehaved with them and resisted them from handing

over such possession. The petitioners seek police assistance at their own expense.

Strangely, the report submitted by the State demonstrates that no order was passed by the learned Chief Judicial Magistrate, Alipore in connection with Misc. case no. 110 of 2023 for rendering police assistance to the petitioner at the time of handing over possession of the property to the successful bidder.

Upon considering the submission made on behalf of the parties, this Court is inclined to hold that since the petitioners are being resisted in handing over possession of the property in question to the highest bidder/purchaser, the Officer in charge, Beniapukur Police Station, being the 4th respondent herein, shall render adequate police assistance to the petitioners in order to enable them to hand over possession of the property to the purchaser. The police shall keep strict vigil at the locale at the time of handing over possession in order to ensure maintenance of law and order and also that no untoward incident occurs. The petitioners shall apply before the Deputy Commissioner of Police, South Suburban Division for assessment of cost to be deposited for such police assistance.

With the above observation and direction, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)