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NANDY

(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 147 of 2026

**BANK OF BARODA
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Sankar Biswas, Advocate
Mr. Swatik Saha, Advocate
Mr. Debnath Mahata, Advocate
Ms. Ananya Adhikary, Advocate

.....for the Petitioner

Mr. Swapan Kumar Dutta, Ld. GP
Mr. Rajat Dutta, Advocate
Ms. Sanjukta Samanta, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The Bank seeks execution of an order passed by the respondent No.2 on 08.09.2025 under Section 14 of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act).
3. In spite of the order passed by the respondent No.2 as well as tendering the charges for execution of the order, the said order has not yet been executed.
4. The petitioner further submits that the post of the concerned Executive Magistrate had remained vacant, on account whereof, the order could not be executed.
5. In spite of the prayer made by the petitioner on 06.11.2025, for appointment of some other Executive Magistrate or some other personnel, who is fit and capable of executing the order of 08.09.2025, no steps have been taken by the respondent no. 2.
6. The respondent No.2 is directed to appoint a suitable person in the rank of an Executive Magistrate to execute the order dated 08.09.2025 by 20.02.2026
7. With these directions, **WPA 147 of 2026 is disposed of.**
No order as to costs.

8. Urgent Photostat Certified Copy of this order, if applied for, be given to the petitioner on usual undertaking.

(Reetobroto Kumar Mitra, J.)