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22.12.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 4436 of 2023

Punjab National Bank & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Abhishek Banerjee,
Ms. Parna Roy Choudhury
...for the petitioners

Ms. Rupsa Chakraborty
...for the State

1. The petitioner-bank is aggrieved that the concerned District Magistrate is not disposing of its application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. Learned counsel for the petitioners hands over copies of certain orders passed by different courts in connection with the dispute between the private respondents inter se.
3. It is contended that the Bank is not a party in any of such litigations and, as such, is not bound by any order of injunction passed therein between the said parties.
4. Learned counsel also hands over a copy of the application and affidavit filed before the District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and



Enforcement of Security Interest Act, 2002, which are kept on record.

5. Learned counsel for the State contends that due to pendency of several litigations, no action could be taken by the District Magistrate on the basis of such application.

6. However, it transpires from the submissions of the parties and documents handed over that there is no subsisting injunction restraining the Bank from proceeding with the SARFAESI action against the private respondents or dealing with the subject property.

7. Hence, there is no impediment for the application under Section 14 of the 2002 Act to be disposed of by the concerned Magistrate.

8. Accordingly, W.P.A. No. 4436 of 2023 is disposed of by directing the respondent no. 2, that is, the District Magistrate, Hooghly to dispose of the petitioners' application under Section 14 of the 2002 Act pending against the private respondents as expeditiously as possible, positively within three weeks from this date.

9. All parties shall act on the server copy of this order without insisting upon prior production of a certified copy thereof for the purpose of compliance.

10. There will be no order as to costs.



11. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)