

22.09.2026
Ct. No.446
Sl. No.21
akd

W. P. A. 25968 of 2026

[Suman Saha -Vs- State of West Bengal & Ors.]

Mr. Piyush Kanti Ray
... ... for the petitioner

Mr. Abhishek Banerjee
... ... for respondent no. 3
[Punjab National Bank]

Mr. Piyush Chaturvedi
Mr. Tarun Kumar Das
... ... for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The present writ petition has been preferred seeking a direction upon the respondent no. 3/Punjab National Bank (in short “the bank”) to hand over physical possession of the secured asset to the petitioner.
3. Mr. Ray, learned Advocate appearing for the petitioner, submits that the petitioner, having no residential house of his own, participated in an auction process held by the bank in respect of the secured asset. The petitioner emerged as the successful bidder and subsequently deposited the entire bid value within the time stipulated in the auction notice. A sale certificate was also issued in favour of the petitioner. He further submits that the borrower challenged the action of the secured creditor under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, “the SARFAESI Act”), by preferring an application under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal (in short, “the DRT”). However, the said application was dismissed by an order dated 31st July, 2025.

4. Mr. Ray further submits that the borrower preferred a writ petition being WPA 24257 of 2025, which was disposed of by a coordinate Bench of this Court by an order dated 13th January, 2026. He also submits that the order dated 13th January, 2026 was assailed in an intra-court appeal being FMA 348 of 2026, which was dismissed by the Hon'ble Division Bench of this Court by an order dated 12th August, 2026. He submits that the bank initiated the process to take physical possession of the secured asset in invocation of Section 14 of the SARFAESI Act. The District Magistrate concerned deputed the Sub-Divisional Officer, Barasat Sub-Division, to take physical possession of the secured asset and directed the bank to deposit the amount towards the costs for rendering police assistance. However, despite the same, the bank did not take any follow-up action to take over the actual physical possession of the secured asset. Such inaction on the part of the bank prompted the petitioner to prefer the instant writ petition. According to him, the bank be directed to hand over the actual physical possession of the secured asset to the petitioner.

5. Mr. Banerjee, learned Advocate appearing for the respondent no. 3/Punjab National Bank, submits that the bank has already deposited the amount towards the costs for rendering police assistance. He further submits that the bank is keen and ready to hand over the actual physical possession of the secured asset to the petitioner. He also submits that the respondent no. 2 be directed to expedite the process of taking over the physical possession of the secured asset. According to him, as and when the process is completed, the property in question shall be handed over to the petitioner.

6. Mr. Chaturvedi, learned Advocate appears for the State/respondents.

7. Having heard the learned Advocates appearing for the respective parties and upon perusal of the materials on record, I dispose of the writ petition by directing the respondent no. 2 to complete the process of taking over physical possession of the secured asset and to hand over the property in question, along with all the documents relating thereto, to the secured creditor within a period of six weeks from the date of receipt of a copy of this order. Immediately upon completion of the process of handing over physical possession of the secured asset to the bank, the concerned bank shall hand over the actual physical possession of the property in question to the petitioner within a period of seven days thereof.

8. With these observations and directions, WPA 25968 of 2026 is disposed of.

9. 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.

10. There shall be no order as to costs.

11. 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.)