

07      **09.07.**  
**2026**  
Ct. No. 18

Ab

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE.**

**WPA 14419 of 2026**

**Sayan Chakraborty  
Vs.  
Reserve Bank of India and others.**  
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**Mr. Mahim Sasmal.**

**... for the petitioner.**

**Ms. Soni Ojha.**

**... for the respondent nos. 2 to 4.**

1. The affidavit of service filed today is taken on record.
2. The petitioner is aggrieved that the respondent nos. 2 to 4 are taking steps to take possession of a portion of his premises, which he allegedly did not mortgage for a financial accommodation taken from the respondent no. 2. The outstandings are in excess of 1.44 crores.
3. The respondent no. 2 had taken steps to take possession of the part of the property, which has been challenged before the Debt Recovery Tribunal-III, Kolkata. Such challenge is pending.
4. A second possession notice had also been issued for taking possession for a further portion of the area. This notice of June 18, 2025 has been challenged by way of an interlocutory application in SA 86 of 2025.
5. The petitioner is now aggrieved that the respondent nos. 2 to 4 has taken possession of 4 sataks of land,

which has not been mortgaged to the respondents. The petitioner had mortgaged only 38 sataks out of 42 sataks of land, which is owned by him. The balance 4 sataks is what he alleged to be possessed by the respondent nos. 2 to 4, without giving any prior notice or without notice under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

6. The petitioner is unable to show any document or any evidence to establish that possession has been taken by the respondent nos. 2 to 4 of the said 4 sataks of land.
7. Though the petitioner's remedy lies before the Debt Recovery Tribunal in assailing the acts of omission or commission of the respondents, the present writ petition has been filed to obtain some interim protection in the meantime.
8. The respondent nos. 2 to 4 are directed not to dispose of or create any encumbrance or any third party right in respect of the said property till July 31, 2026. The petitioner will approach the concerned Debt Recovery Tribunal for appropriate reliefs including the restitution of possession of their residential premises if the same is within the 4 sataks of land, which has not been mortgaged by the petitioner to the respondent no. 2.

9. With these afore-stated directions, the writ petition is disposed of.
10. There shall, however, be no order as to costs.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

**(Reetobroto Kumar Mitra, J.)**