

WPA 20591 of 2026

03.09.26
D/L
Sl-04
Ct. 07
(Samar)

**Sekh Salauddin
Vs.
Reserve Bank of India & Ors.**

Mr. Mahim Sasmal

....for the petitioner.

Ms. Ameena Kabir,

....for the UCO Bank.

Mr. Debrabrata Das,
Mr. A. Sarkar,
Mr. Pratik Acharyjee,

....for the R.B.I

1. The writ petition assails action taken by the respondent Bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
2. Learned advocate appearing for the petitioner submits that the Bank has affixed possession notice on a property which is not mortgaged. He invites attention of this Court to an order dated June 17, 2026 passed by the learned Chief Judicial Magistrate, Birbhum in Misc. Case No. 143 of 2026 initiated under Section 14 of the 2002 Act and submits that the property mentioned therein is mortgaged with the Bank but the Bank has affixed the possession notice on a different property.
3. Learned advocate appearing for the Bank's submits that the Bank has affixed notice on the same property that has been mortgaged with the Bank.

4. The petitioner is admittedly the Borrower of the Bank and has allegedly committed default in repayment of loan. The issue that has been raised by him is one of fact which is disputed. It is not a case of total lack of jurisdiction of the Bank to initiate action under the relevant provisions of the 2002 Act. The borrower has an effective alternative remedy before the relevant Debts Recovery Tribunal under Section 17 of the 2002 Act. This case does not involve any public law element and does not fall within any of the well settled exceptions justifying exercise of writ jurisdiction under Article 226 of the Constitution of India. Accordingly, this writ petition is not entertained.
5. WPA 20591 of 2026 stands disposed of leaving the Borrower free to approach the relevant Debts Recovery Tribunal, in accordance with law. No Costs.
6. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)