

22.09.2026
Ct. No.446
Sl. No.9
akd

W. P. A. 25411 of 2026

***[Cholamandalam Investment and Finance Company Limited & Anr. -Vs-
State of West Bengal & Ors.]***

Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh

... ... for the petitioners

Mr. Piush Chaturvedi
Mr. Tarun Kumar Das

... ... for respondent no. 1
[State of West Bengal]

1. Affidavit-of-service filed in court today is taken on record. Despite service, none appears on behalf of the respondent no. 3 as well as the respondent nos. 4 to 7.

2. The present writ petition has been filed praying for the following relief:

“Issue a Writ in the nature of Mandamus commanding the Respondent nos. 2 and 3 and each of them, their men, agents, servants and assigns to forthwith recognize and/or permit the transfer and assignment of the leasehold rights in respect of the secured asset being part of Plot No. 1028, Sub-Plot Scheme 42A under Premises No. 1050/134/1, Survey Park, Kolkata Municipal Corporation, Ward No. 109.”

3. Mr. Ganguly, learned Advocate appearing for the petitioners, submits that the property mentioned in the preceding paragraph originally belonged to the respondent no. 2, being the West Bengal Housing Board (hereinafter referred to as “the Board”). Initially, by virtue of a lease deed dated 21st September, 1994, the property in question was leased out to one Smt. Suparna Barman. Subsequently, Smt. Barman assigned her

leasehold right in favour of one Smt. Kiron Lata Mondal, being the respondent no. 4 herein. After obtaining permission from the Board, Smt. Mondal availed of financial assistance in the form of a Loan Against Property (LAP) by creating an equitable mortgage over the property in favour of Tata Capital Housing Finance Limited. Thereafter, the said loan was assigned to Indiabulls Housing Finance Limited and subsequently, the petitioners took over the said loan on 16th August, 2019. The respondent nos. 5, 6 and 7 are co-borrowers. However, the respondent no. 4 defaulted in making payment of the instalments. Accordingly, action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, “the SARFAESI Act”) was taken in respect of the secured asset and possession of the said secured asset was taken in invocation of Section 14 of the SARFAESI Act on 17th January, 2026. The petitioners now intend to hold an auction and transfer and/or assign the leasehold right in respect of the property in favour of the auction purchaser. In furtherance of the said objective, the petitioners approached the respondent no. 2 by submitting a representation dated 29th June, 2026 seeking permission from the Board for this purpose. Despite receipt of such representation from the petitioners, no effective steps have been taken. In the circumstances, the petitioners have been compelled to prefer the present writ petition.

4. Mr. Ganguly further submits that the respondent no. 3 be directed to take a decision on the representation of the petitioners dated 29th June, 2026.

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

6. Having heard the learned Advocates appearing for both the parties and upon perusal of the materials on record, I am of the view that if the present writ petition is disposed of in the following terms, the non-appearing respondents would not be prejudiced.

7. In view thereof, the present writ petition is disposed of by directing the respondent no. 3 to consider the representation of the petitioners dated 29th June, 2026, upon addressing the issue raised therein, and to take a reasoned decision thereon, after affording an opportunity of personal hearing to the representative of the petitioners as well as the respondent nos. 4 to 7 herein. If it is found that the contention raised in the writ petition deserves to be accepted, the necessary follow-up steps shall be taken. If the respondent no. 3 comes to a conclusion that the representation of the petitioners does not have any substance, a reasoned order shall be passed and the same shall be communicated to the petitioners forthwith. The entire exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

8. Needless to mention, this Court has not gone into the merits of the claims raised in the writ petition, and all points are left open to be decided by the respondent no. 3 while considering the representation of the petitioners.

9. With these observations and directions, WPA 25411 of 2026 is disposed of.

10. 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.

11. There shall be no order as to costs.

12. 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.)