

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 20629 of 2023

**Cholamandalam Investment and Finance Company Limited
Vs.
State of West Bengal & Ors.**

For the petitioner : Mr. Prabhat Kumar Srivastawa

**For the State
Respondents : Mr. Chandi Charan De**

Judgement on : 16.10.2023.

Bibek Chaudhuri, J.

Affidavit of service on behalf of the petitioner be taken on record.

Leave is granted to correct the cause title mentioning the correct address of respondent No.2.

The private respondent Nos.4 and 5 took loan from the petitioner, a non-banking financial institution by mortgaging the following property:-

"ALL THAT piece and parcel of Bastu land admeasuring 12.65 Satak alongwith three storied building standing thereon and each floor having 2535 sq. ft (commercial) lying and situate at Mouza-Asrafabad, J.L. No.84, R.S. No.306, Touzi No.2167, C.S. Dag No.941,

R.S. & L.R. Dag No.740, Hal Khatian No.14, Sabek R.S. Khatian No.314, present L.R.Khatian No.2795, Holding No.184/233, B.C.Road, Police Station-Habra, District-North 24 Parganas, Pin-743233, under Ward No.11, within the ambit of Habra Municipality, butted and bounded as follows:- On the North :- By B.C. Road, On the South: by house of Manik Das, On the East : By Village Road, On the West : By vacant land of Tapan Kumar Kar.”

It is the case of the petitioner that respondent Nos.4 and 5 failed to make payment of the loan amount. Therefore, the petitioner initiated a proceeding under the SARFAESI Act. During such proceeding it is learnt by the petitioner that the respondent Nos.4 and 5 surreptitiously sold out the mortgaged property in favour of respondent No.6. The petitioner made a representation before the BL & LRO on 26th June, 2023 for its redressal. However, till date the BL & LRO has not considered the representation submitted by the petitioner.

In the instant writ petition state respondents are not represented.

Mr. Chandi Charan De, learned Additional Government Pleader is requested to assist this Court.

The learned Government Pleader is requested to regularize the appointment of Mr. De in the instant writ petition.

It is submitted by Mr. De, learned Additional Government Pleader that BL & LRO must dispose of the representation in either way and intimate the same to the petitioner. Therefore, a direction

may be issued to dispose of the representation within a certain period of time.

In view of such submission made by the State respondent and on perusal of the materials on record, this Court is of the view that a direction to the BL & LRO is absolutely necessary for disposal of the representation dated 26th June, 2023. Thus, the instant writ petition is disposed of directing the BL & LRO, Habra to dispose of the representation within 60 days from the date of communication of this order and communicate the same to the petitioner.

(Bibek Chaudhuri, J.)

***Mithun.
A.R. (Ct).
SI No.10.***