

GAHC010075852025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2004/2025

SANJEEB KALWAR
S/O JAGADISH PRASAD KALWAR
R/O TITABAR TOWN PO AND PS TITABAR
DIST JORHAT PIN 785630 ASSAM

VERSUS

1: THE STATE OF ASSAM AND ORS.
REP BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM, REVENUE
AND DISASTER MANAGEMENT, GUWAHATI, ASSAM 6

2: THE DISTRICT MAGISTRATE
OFFICE OF THE DISTRICT COMMISSIONER JORHAT ASSAM 785001

3: PUNJAB AND SIND BANK REP BY THE BRANCH MANAGER
JORHAT BRANCH GAR ALI JORHAT ASSAM 785001

4: MANIK CHANDRA DUTTA
S/O LT TANKA DUTTA
R/O TARA JAN POOL PO AND PS JORHAT
ASSAM 785001

5: PUNJAB AND SIND BANK
ZONAL OFFICE GUWAHATI REP BY THE ZONAL MANAGER 42 MG ROAD
RIVERSIDE UZAN BAZAR GUWAHATI 01 ASSAM

For the Petitioner(s) : Mr. S. Sarma, Advocate.
Ms. B. Saha, Advocate.

For the Respondent(s) : Ms. N. Bordoloi, Standing Counsel, Revenue Department for
respondent No.1.

: Mrs. S. Sarma, Junior Govt. Advocate, Assam for respondent No.2.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

28.07.2025

(Ashutosh Kumar, CJ)

The writ petitioner seeks protection with respect to his property in Jorhat. The land in question was purchased by him in the year 2019 from respondent No.4/Manik Chandra Dutta after obtaining a valid "No Objection" Certificate (NOC) from the respondent Punjab and Sind Bank. The No Objection Certificate of the Bank clearly permitted the sale of the property. The sale was preceded by taking all clearances from the Deputy Commissioner, Jorhat and thereafter, the possession of the property was taken.

Later, the Bank proceeded against the erstwhile owner of the property/respondent No.4 before the Debts Recovery Tribunal, Guwahati Bench, Guwahati for the purposes of recovery of the loan. It was the same property which was purchased by the petitioner.

The petitioner alleges that he was never noticed in the proceeding under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act") and such omission to notice him as he, after the sale, became the owner of the property, is very critical.

No proceeding can continue, it has been argued, in the absence of the current owner, who is in possession of the property and which property was purchased after receiving "No Objection" from the Bank.

There is an apprehension of immediate attachment. Therefore, a prayer has been made in this writ petition to stay the consequences under Section 14 of the SARFAESI Act till the final outcome of the Original Application

No.159/2023 preferred by the Bank before the Debts Recovery Tribunal.

The petitioner has also filed a Title Suit.

The respondent No.3/Bank would be required to be noticed.

Let notice be issued to the Bank, on steps being taken by the appellant within a period of 3(three) days, returnable on **13.08.2025**.

The Bank authorities are also permitted to be served by way of *dasti* with information to the Registry by the petitioner about such service of notice.

JUDGE

CHIEF JUSTICE

Comparing Assistant