

N.22S1

151/CL
02.09.26
DL-13
Ct.-07
(S.R.)

WPA 8394 of 2026

M/s Singha & Co. & Ors.
v.
Central Bank of India & Ors.

Mr. Susnigdho Bhattacharyya
Mr. K. Sinha ... for the petitioners.

Mr. Bishwambher Jha ... for the Bank.

1. This writ petition assails the action taken by the respondent bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on the ground that no valid security interest has been created in favour of the respondent bank in respect of the mortgaged property.
2. It is the petitioner's case that mortgage is void *ab initio* since it has been created over a property belonging to a member of the Scheduled Tribe.
3. Learned Advocate appearing for the petitioner submits that the Bank cannot proceed under the 2002 Act since the mortgage itself is void.
4. Mr. Jha, learned advocate appearing for the Bank, submits that the petitioner had approached this Court earlier as well by filing WPA 2395 of 2025 which was dismissed by this Court on October 10, 2025 granting liberty to the petitioner to approach the Debts Recovery Tribunal. It is submitted that pursuant thereto, the petitioner has already

approached the Debt Recovery Tribunal No.II, Kolkata by filing an application under Section 17 of the 2002 Act. It is next submitted that the mortgage is valid and binding.

5. Firstly, the petitioner has not been able to demonstrate that the mortgaged property belongs to the member of a Scheduled Tribe as alleged.
6. The petitioner relies on Section 14C of the West Bengal Land Reforms Act, 1955 to assert that transfer of a land by a member of Scheduled Tribe to a person other than a Scheduled Tribe must be with previous written permission of a Revenue Officer.
7. Such objection is also without foundation inasmuch the 1955 Act would apply only to agricultural land and the mortgaged property is evidently not agricultural land. The petitioner has availed loan for commercial purpose and is now seeking to thwart the Bank's action under the 2002 Act. The Bank has produced in Court an order dated October 10, 2025 whereby the petitioner's challenge to the Bank's similar action under the 2002 Act was repelled and the petitioner has reportedly, already approached the Debts Recovery Tribunal.
8. For all the reasons aforesaid, this writ petition cannot be entertained at all.
9. WPA 8394 of 2026 stands dismissed. There shall be no order as to costs.

10. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)