

WPA 10174 of 2026

**Jashim Abbas Laskar
-Vs.-
State Bank of India & Ors.**

Mr. Avra Mazumder
Ms. Alisha Das
Mr. Kausheyo Roy
Ms. Rupomita Ghosh
Ms. V edika Agarwal

...for the petitioner

Ms. Manika Roy
Mr. Atanu Sur

...for the SBI

The grievance of the petitioner is directed against inaction of the respondent/Bank to handover possession of a secured asset purchased by the petitioner in a lawfully conducted auction sale under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

It is submitted on behalf of the petitioner that notwithstanding the auction sale having been conducted as far back as in November 30, 2019, the entire purchase consideration of Rs.20,11,000/- had been duly paid as far back as on 1st December, 2019 and a sale Certificates also issued by the respondent bank on 1st December, 2019. Nevertheless, possession of the secured asset has not yet been handed over to the petitioner.

A Report has been filed on behalf of the respondent/Bank which indicates that the bank at least on paper has *prima facie* taken all possible steps. The notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 25th October, 2011. The notice under section 13(4) was issued on 9th January, 2012. Symbolic possession of the secured asset was taken on 9th January, 2012. Newspaper publication was made on 14th August, 2012. The permission of the District Magistrate was obtained on 13th December, 2012 and a date fixed for taking physical possession on 5th February, 2015. Thereafter, there has been a number of peculiar events whereby the respondent bank has been unable to take possession. Be that as it may, despite having paid the police costs on 12th February, 2020, the concerned police authorities have taken no steps in the matter.

In view of the gross inaction on the part of the concerned police authorities, let this matter appear on 10th June, 2026 for further hearing.

In the meantime, the petitioner is directed to serve a copy of this order on the Officer-in-Charge, Baruipur Police Station as well as Superintendent of Police, Baruipur District to ensure implementation of the order dated November 30, 2019.

It is a matter of some concern that despite the clear mandate of Section 14 of the SARFAESI Act, 2002, the casual, irresponsible and indolent conduct of the

State Authorities and more importantly, the concerned police authorities frustrates the object and intent of the Act. A recent trend of decisions passed by different Courts in India have now started personally imposing financial penalty both on the office of the District Magistrate as well as police authorities for non-compliance with the mandate of section 14 of the SARFAESI Act, 2002 (*AU SMALL FINANCE BANK vs. STATE OF PUNJAB, CWP No. 23941 of 2025* and *HFL Home Finance Ltd. vs. State of Haryana and others, CWP-7214-2026*).

As a last chance, in view of the non-compliance with the order dated 14th May, 2026, the Branch Manager, Baruipur Branch is directed to be personally present in Court on the returnable date.

(Ravi Krishan Kapur, J.)