

Court No. 19
(265719)

24.03.2026
(AD 182)
(S. Banerjee)

WPA 28838 of 2025

Ruposhri Hasda @ Hansda
Vs.
State of West Bengal & Ors.

Mr. Saikat Chatterjee
...for the petitioner

Mr. Joydip Banerjee
Mr. Tapas Kumar Dey
...for the State

Mr. Ankit Sureka
Mr. Biplob Das
...for the respondent nos. 3 and 4

Mr. Arnab Roy
Mr. Srisho Banerjee
...for the respondent nos. 6 and 9

The petitioner, who claims to be an auction purchaser of a two-storey building situated within Mouza – Uttar Narayanpur in the district of Birbhum, has approached this Court to refund the entire bid amount to the petitioner.

Pursuant to an auction conducted in terms of the Bengal Public Demand Recovery Act, 1993 in respect of a two-storey building, the petitioner participated in the said auction and became the highest bidder. The petitioner deposited the bid money of Rs. 60,01,000/- on September 6, 2024 and August 29, 2024. The sale was confirmed by the concerned Certificate Officer on November 14, 2024. The petitioner approached the authorities to take

steps for the delivery of the property in his favour. The 3rd respondent directed the 5th respondent to take necessary steps for delivery of possession. However, the possession of the property in question could not be handed over to the petitioner which prompted the petitioner to approach this Court.

Learned advocate appearing for the respondent nos. 6 and 9 submits that the possession of the property in question could not be delivered as in the meantime a proceeding has been initiated before this Debts Recovery Tribunal, Kolkata Bench – II being OA 136 of 2024 at the instance of Bank of Baroda. He further submits that the property which is the subject-matter of dispute in the writ petition appears to have been mortgaged by one Dukhiram Hansda with the Vijaya Bank, which subsequently stood merged with the Bank of Baroda. He submits that the Kolkata Debts Recovery Tribunal passed an order of injunction restraining transfer of the mortgaged property. He further submits that in view of the said order of injunction the possession of the property in question could not be delivered in favour of the petitioner herein in spite of the best efforts of the respondent nos. 6 to 9.

Mr. Sureka, learned advocate appearing for the respondent nos. 3 and 4 submits that in view of the order of injunction passed by the Debts Recovery

Tribunal, possession of the property in question cannot be delivered in favour of the petitioner by the said respondents.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that since the respondent authorities, including the respondent nos. 6 and 9, are not in a position to handover the delivery of possession of the property in question, the amount which the petitioner deposited as the bid money be returned to the petitioner as the petitioner is deprived from enjoying the property which he purchased through auction.

In the order passed on February 3, 2026, the submission of the learned advocate appearing for the respondent nos. 6 and 9 that the State-respondent shall deposit the amount on account of auction sale with the learned Registrar General, High Court, Calcutta, was placed on record. Pursuant to the said order dated February 3, 2026 the amount of Rs. 60,01,000/- has already been deposited with the Registrar General, High Court, Calcutta on February 9, 2026.

It appears that the property which is the subject-matter of auction sale conducted by the Certificate Officer, now forms the subject-matter of a dispute before the Debts Recovery Tribunal, Kolkata

which has since been transferred to the Siliguri Bench.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the amount which is lying with the Registrar General be returned to the petitioner as the petitioner is no longer interested in the said property.

Such submission of Mr. Chatterjee is placed on record.

The petitioner shall file an affidavit before this Court stating that the petitioner shall not claim any right, title and interest in respect of the property which he purchased by way of auction conducted on July 17, 2024. Let such affidavit be filed by the petitioner on or before the next date.

This Court shall consider the prayer for release of the amount lying deposited with the learned Registrar General on the next date.

List the matter under the heading 'To be mentioned' on March 31, 2026.

(Hiranmay Bhattacharyya, J.)