



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(JUDICIAL MUNSHIKHANA DEPARTMENT)

ORDER

Whereas Authorized Officer, Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), North 24 Parganas, Kolkata – 700 124, has filed a petition to the District Magistrate, North 24-Parganas, u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Proprietor namely Sri Abdul Nayim Chowdhury S/o. Sri Din Mohammad Chowdhury, residing at, Vill – Kadihati, PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425 of the Borrower namely M/s. Abdul Nayim Chowdhury Enterprise, situated at, Vill – Kadihati, PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425, having a Guarantor namely Sri Abdul Gafar Gazi, residing at, Vill & PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425. (Case No – 27/24/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), North 24 Parganas, Kolkata – 700 124 seeking administrative assistance in terms of sec 14(1) of the SARFAESI Act of 2002 for taking over physical possession of the secured asset is/are seen and taken up for consideration

and

whereas from the documents and status report submitted by the Authorised Officer, it transpires that The Secured creditor granted a loan of Rs. 1,00,00,000.00 (CC) (Rupees One Crore Only) on 06.09.2017 + Rs.11,50,000.00 (TL) (Rupees Eleven Lac Fifty Thousand Only) on 02.09.2020 to Borrower namely M/s. Abdul Nayim Chowdhury Enterprise, situated at, Vill – Kadihati, PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425, having a Proprietor namely Sri Abdul Nayim Chowdhury S/o. Sri Din Mohammad Chowdhury, residing at, Vill – Kadihati, PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425, having a Guarantor namely Sri Abdul Gafar Gazi, residing at, Vill & PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1A) Equitable Mortgage of three storied building measuring an area more or less 380 Sq.Ft. situated on a landed property measuring an area more or less 1 Decimals situated at Mouza – Baidyarati, J.L.No – 56, R.S. & L.R.Dag No – 35/469, L.R.Khatian No – 112 and at present L.R.Khatian No – 403, G+2 commercial building at total floor area measuring about 1365 Sq. Ft. of Babur Hat Road, Under Dhuturdaha Gram Panchayet, PS – Minakhan, North 24 Parganas. The Building is Butted and Bounded by North – Land of Adhir Sadhukhan, South – Land of Niranjana Mondal & Goutam Mondal, East – Baburhat Road, West – Land of Niranjana Mondal and Goutam Mondal. Mortgaged Property stands in the name of Sri Abdul Nayim Chowdhury S/o. Sri Din Mohammad Chowdhury and being the registered Deed No – I – 1983 for the year 2009 at the Office of the ADSR – Deganga, North 24 Parganas, WB

1B) Equitable mortgage of landed property measuring an area more or less 26.50 Decimals along with a super structure situated at Mouza – Kadihati, J.L.No – 55, comprised and contained in R.S. & L.R.Dag No – 469 & 176, Under L.R.Khatian No – 409 & 119 and at present L.R.Khatian No – 944, two storied commercial cum residential building of Baburhat Road,, under Kumarjole Gram Panchayet, PS – Minakhan, North 24 Parganas. The Building is Butted and Bounded by North – Land of Abdul Nayim Chowdhury, South – Gram Panchayet Road, East – Baburhat Main Road, West – Property of Ahadul Chowdhury. Mortgaged Property stands in the name of Sri Abdul Nayim Chowdhury S/o. Sri Din Mohammad Chowdhury and being the registered Deed No – I – 1410 for the year 2010 at the Office of the ADSR – Deganga, North 24 Parganas, WB

1C) Equitable Mortgage of two storied residential building and single storied commercial building situated at North 24 Parganas, PS – Minakhan, Piece and parcel of Bastu landed property measuring an area more or less 33 Decimals along with a super structure, situated at, Mouza – Kumarjole, J.L.No – 50, Comprised and contained in R.S. and L.R. Dag No- 1604, under R.S.Khatian No – 1138, L.R.Khatian No – 539 and 538 and at present L.R.Khatian No – 2051/1, North 24 Parganas. The Building is Butted and Bounded by North – Land of Md. Yusuf Ali Molla, South – Land of Fojjuiddin Molla, East – Land of Kanu Adhikary, West – Baburhat Main Road. Mortgaged Property stands in the name of Sri Abdul Nayim Chowdhury S/o. Sri Din Mohammad Chowdhury and being the registered Deed No – I – 475 for the year 2007 at the Office of the ADSR – Deganga, North 24 Parganas, WB.

1D) Equitable mortgage of landed property measuring an area more or less 06 Decimals along with a super structure situated at Mouza – Kushangra, J.L.No – 32, Comprised and contained in R.S. and L.R. Dag No – 1762/2125, C.S.Khatian No – 315 and 271, R.S.Khatian No – 158 & 9, L.R.Khatian No – 241 and at present L.R.Khatian No – 2392, PS – Minakhan, North 24 Parganas. The Building is Butted and Bounded by North – Road and Drain, South – Land of Sellers, East – Land having Dag Nos. 1762/2125, West – Land of Tarun Varsha. Mortgaged Property stands in the name of Sri Abdul Nayim Chowdhury S/o. Sri Din Mohammad Chowdhury and being the registered Deed No – I – 297 for the year 2013 at the Office of the ADSR – Deganga, North 24 Parganas, WB

2) The borrower has committed default in repayment of the financial assistance granted aggregating the specified amount and consequent to such default in repayment, the account of borrower was classified as NPA on 31.03.2021 due to non servicing of interest/ installment

3) Notice dated 05.05.2021 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The outstanding amount as mentioned in notice is Rs. 1,20,82,764.24 (Rupees One Crore Twenty Lac Eighty Two Thousand Seven Hundred Sixty Four and Twenty Four Paise) only and the notice was received by the borrower on 11.05.2021

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 05.05.2021

5) The Secured creditor issued possession notice dated 29.10.2021 u/s 13(4) of SARFAESI Act of 2002 for taking Possession on the secured assets of the borrower and also published the same in the daily news papers on 02.11.2021

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(2)

) Thus the Authorised Officer of the secured creditor observed all the formalities as laid down in the SARFAESI Act 2002 for realization of the said outstanding amount from the secured debtor

and

) whereas, the Secured Asset is within the jurisdiction of the District Magistrate, North 24- Parganas

and

) whereas, the amount does more than 20% of the Principal Advance and Security interest is not created in any agricultural land

and

) whereas, the secured creditor wants to reconstruct their financial asset(s) after handing over and taking over physical possession of the secured asset / property as scheduled above, belonging to the Borrower(s) / Co-borrower(s) / Director(s) / Guarantor(s) / Partner(s) / Proprietor(s) / Corporate Guarantor(s) / Surety(ies) as per law in force

And

) whereas, for the purpose of taking possession of the secured asset(s) and documents, the secured creditor requested the District Magistrate, North 24 Parganas u/s 14 of SARFAESI Act of 2002.

and

) There is no case pending before any court of law under Section 34 of SARFAESI Act, 2002 in this regard filed by the borrower as per '30 Clauses' declaration submitted by the secured creditor and as per affidavits dated submitted by the secured creditor there is no stay declared by any court of law

and

) The property is not under lease/tenancy as per affidavit, deed(s), records or all other relevant documents

and

Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1) B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), North 24 Parganas, Kolkata – 700 124, the secured creditor and being satisfied, it is hereby ordered that Sri Prohllad Biswas, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the Sub Divisional Officer, Basirhat, North 24- Parganas, under the District Magistrate North 24 Parganas will take physical possession of the secured assets/property and forward the same to the secured creditor u/s 14 (1A) of SARFAESI act, 2002

and

Whereas Authorized Officer, Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), North 24 Parganas, Kolkata – 700 124 shall intimate the date of possession of the secured asset to the Superintendent of Police, Bashirhat Police District, North 24 - Parganas, as well as to Sri Prohllad Biswas, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the Sub Divisional Officer, Bashirhat, North 24- Parganas, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of District Magistrate, North 24- Parganas, The Superintendent of Police, Bashirhat Police District, North 24 – Parganas, will provide police force for maintenance of law & order. The secured creditor will remain present at the time of taking over physical possession.

A spot videography should be made in connection with taking over physical possession of secured assets, on the date of taking over possession and soft copy of the videography should be kept under custody.

Let copy of this order be served upon all concerned.

The order is to be enforced within 06 (Six) months from the date of receipt of this order.


District Magistrate,
North 24-Parganas.
03/10/24
21/11/24


Memo No. J -15013(11)/

355 /1/(5)/2024/JM

Date. - 05 10 2 / 2024

Copy forwarded for information and necessary action :-

1. The Superintendent of Police, North 24 - Parganas, Basirhat, with a request to comply with the said order.
2. The Sub Divisional Officer, Bashirhat, North 24- Parganas, with a request to comply with the said order.
3. Sri Prohllad Biswas, Executive Magistrate, in the Office of the Sub Divisional Officer, Bashirhat, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Punjab National Bank (Erstwhile United Bank of India), 24 Parganas (North) Circle SASTRA, 48, Jessore Road, Barasat (Near Seth Pukur), North 24 Parganas, Kolkata – 700 124.
5. M/s. Abdul Nayim Chowdhury Enterprise, situated at, Vill – Kadihati, PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425, having a Proprietor namely Sri Abdul Nayim Chowdhury S/o. Sri Din Mohammad Chowdhury, residing at, Vill – Kadihati, PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425, having a Guarantor namely Sri Abdul Gafar Gazi, residing at, Vill & PO – Kumarjole, PS – Minakhan, North 24 Parganas, PIN – 743 425.


District Magistrate
North 24-Parganas.
21/11/24