



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

Order

Whereas Authorized Officer Indian Bank erstwhile (Allahabad Bank), 54, K.N.C Road, Barasat PIN - 700124 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 Asset / Property of the Borrower namely M/S Khan Engineering Prop. Sri Ashok Kumar Khan. Business Address- Vill and P.O - Suryapur, P.S- Titagarh, Dist- North 24 Parganas, Kolkata-700121 Guarantor Smt. Rupali Khan W/O Sri Ashok Kumar Khan Address same as mentioned before; in the Case No.: 473 / 23 dated 02/ 06 / 2023.

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer Indian Bank erstwhile (Allahabad Bank), 54, K.N.C Road, Barasat PIN - 700124 seeking administrative assistance in terms of Section 14 (1) of the SARFAESI Act of 2002 for taking over physical possession of the Secured Asset is seen and taken up for consideration.

And

Whereas from the documents and status report submitted by the Authorised Officer, it transpires that secured creditor granted loan of Rs. 15,00,000.00 (Rupees Fifteen Lakhs) only on 20.07.2016 to the Borrower viz M/S Khan Engineering Prop. Sri Ashok Kumar Khan against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) (a) All that piece and parcel of land measuring more or less 04 Cottahs 08 Chittaks & 39 Sq. Ft. any construction there on lying & situated at Mouza - Suryapur, J.L. No. 14, RS. Khatian No. 154 Dag No. 687/1061, 689, 690 within the Jurisdiction of Sheuli GP PS- Titagarh, Dist.- North 24 Parganas, comprised in deed No. I-05022 for year 2008, registered at ADSR Barrackpore, CD Vol No.17, Page from 1618 to 1631, West Bengal.
The Mortgaged Property stands in the name of Sri Ashok Kumar Khan S/o Kesto Chandra Khan.
The property (Dag No. 687/1061) is butted & bounded by: North By- Dag No.689(P) South By - Dag No. 687 East By- Dag No. 804 & 3'-0" passage West By- Land of Manindra Roy.
The property (Dag No. 689) is butted & bounded by: North By - Property of Ajit Khan South By- Part of this land East By- Land of Punna Roy West By- 3'-0" passage.
The property (Dag No. 690) is butted & bounded by: North By- Property of Rabi Ratan Khan South By- Property of Gopal Khan East By- Property of Jatin Sardar West By- Property of Nishi Kanta Khan.
(b) All that piece and land parcel of land measuring more or less 01 Kattah 06 Chittak 11 sq.ft. any construction there on laying and situated at Mouza-Suryapur, J.L. No. 14, RS Khatian No. 154, Dag No. 689, within the Jurisdiction of Sheuli GP PS- Titagarah, Dist- North 24 Parganas, comprised in deed no. I-5582 for year 2008, registered at ADSR Barrackpore, CD Vol- No. 19, Page from 550 to 561 West Bengal.
The Mortgaged Property stands in the name of Sri Ashok Kumar Khan S/o Kesto Chandra Khan.
The property is butted & bounded by: North By - Part of same Dag No. South By- Land of Ajit Khan East By- Property of Punna Roy West By- land of 3'-0" common passage.
 - 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 28/06/2019 due to non-servicing of interest/ installment.
 - 3) Notice dated 01/10/2019 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. 16,68,559.00 (Rupees Sixteen Lakhs Sixty Eight Thousand Five Hundred Fifty Nine) only. The demand notice was delivered on 10.10.2019 (by hand).
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 01/10/2019.
 - 5) The Secured Creditor issued possession notice dated 03/09/2020 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 newspapers on 08/09/2020.
 - 6) 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
- 7) Whereas, the Secured Asset is within the jurisdiction of the District Magistrate, North 24 Parganas.
- And

(2)

8) Whereas, the amount dues is more than 20% of the Principal Advance and Security Interest is not created in any agricultural land

And

9) 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(s) as per law in force

And

10) 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, 2002.

And

11) 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 affidavit dated 02/06/2023 submitted by the Secured Creditor there is no stay declared by any court of law.

And

12) The property is not under lessee / 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 Indian Bank erstwhile (Allahabad Bank), 54, K.N.C Road, Barasat PIN - 700124 and being satisfied, it is hereby ordered that Smt. Anamika Bera (Saha), 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, Barrackpore Sub Division, North 24 Parganas under the District Magistrate, North 24 Parganas will take physical possession of the Secured Asset(s) / Property(s) and forward the same to the Secured Creditor u/s 14 (1A) of SARFAESI Act, 2002.

And

Whereas, Authorized Officer of Indian Bank erstwhile (Allahabad Bank), 54, K.N.C Road, Barasat PIN - 700124 shall intimate the date of possession of the Secured Asset to the Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas as well as to, Smt. Anamika Bera (Saha), 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, Barrackpore Sub Division, North 24 Parganas under the District Magistrate, North 24 Parganas, well in advance to take physical possession of the Secured Asset(s) / Property(s) of the Secured Creditor on behalf of District Magistrate, North 24 Parganas. The Commissioner of Police, Barrackpore Police Commissionerate, 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 Asset(s) / Property, 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

Date: 04-03-2024

Memo No.: 705/1(5)/JM

Copy forwarded for information and necessary action to:

- 1) The Commissioner of Police, Barrackpore Police Commissionerate, North 24 Parganas - with a request to comply with the said order.
- 2) The Sub - Divisional Officer, Barrackpore, North 24 Parganas - with a request to comply with the said order.
- 3) Smt. Anamika Bera (Saha), Executive Magistrate in the Office of the Sub Divisional Officer, Barrackpore, North 24 Parganas - with a request to comply with the said order.
- 4) Authorized Officer, Indian Bank erstwhile (Allahabad Bank), 54, K.N.C Road, Barasat PIN - 700124.
- 5) M/S Khan Engineering Prop. Sri Ashok Kumar Khan. Business address- Vill and P.O - Suryapur, P.S- Titagarh, Dist- North 24 Parganas, Kolkata-700121


District Magistrate
North 24 Parganas