



**GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(DISASTER MANAGEMENT AND CIVIL DEFENCE SECTION)**

ORDER

Whereas Authorized Officer, Bangiya Gramin Vikash Bank ,371/A/2 , Shalbagan ,Barrackpore Road, Barasat, Kolkata- 700125 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 Borrower & Guarantor namely Mr. Gopal Kundu, S/O- Late Adhir Ranjan Kundu, residing at Vill- Bagjola, P.O-Kolsur, P.S-Baduria, Dist-North 24 Pgs, Pin-743438 and Mr. Abdul Aziz ,S/O- late Hayat Box, residing at Vill- Kritipur, P.O-Mandra, P.S - Baduria, Dist-North 24 Pgs, Pin-743438.(Case No –13/24 Dt. 12.02.2024)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorized Officer, Bangiya Gramin Vikash Bank, 371/A/2 , Shalbagan ,Barrackpore Road, Barasat, Kolkata- 700125 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 Authorized Officer, it transpires that the secured creditor granted a loan Rs.1,65,000.00 (Rupees One Lac Sixty Five Thousand) only on 08.12.2005 to Borrower & Guarantor namely Mr. Gopal Kundu,S/O- Late Adhir Ranjan Kundu, residing at Vill- Bagjola, P.O-Kolsur, P.S-Baduria, Dist-North 24 Pgs, Pin-743438 and Mr. Abdul Aziz ,S/O- late Hayat Box, residing at Vill- Kritipur, P.O-Mandra, P.S-Baduria, Dist-North 24 Pgs,Pin-743438 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece and parcel of land and building and property situated at Vill- Kritipur ,P.O- Mandra under Bagjola Gram Panchayet ,P.S – Baduria, Dist North 24 parganas, Mouza – Kritipur,J.L.No –15, R.S Khatian No – 366, L.R.Khatian No-667 ,Plot No-2068,Area 2.67 Decimals nature of the Land Bastu. The Property is Butted and Bounded by North –Owner's land, South –P.W.D Road East –by Land of Md Abdul Latif Mondal, West –Land of Md Soleman Mondal. The Mortgaged Property stands in the name of Mr. Abdul Aziz ,S/O- late Hayat Box, Vill- Kritipur, P.O-Mandra, P.S-Baduria, Dist-North 24 Pgs,Pin-743438 and being the registered Deed No. I-01262 for the year 1993 at the Office of the A.D.S.R.- Baduria, North 24 Parganas.

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 31.03.2020 due to non servicing of interest/ installment

3) Notice dated 07.12.2022 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.1,68,897.00 (Rupees One Lakh Sixty Eight Thousand Eight Hundred Ninety Seven) Only. The Demand notice was received by the borrower on 16.12.2022.

4) The Authorized Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2), dated. 07.12.2022.

5) The Secured creditor issued possession notice dated 23.02.2023 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 28.02.2023.

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 in within the jurisdiction of the District Magistrate, North 24- Parganas.

and

8) whereas, the amount dues 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(ies) 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 of 2002.

And

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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 affidavits submitted by the secured creditor there is no stay declared by any court of law.

and

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

and

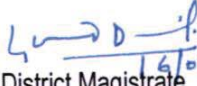
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1)B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Bangiya Gramin Vikash Bank ,371/A/2 , Shalbagan ,Barrackpore Road, Barasat, Kolkata- 700125 the secured creditor and being satisfied, it is hereby ordered that Md. Abu Tayeb, 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, Bangiya Gramin Vikash Bank ,371/A/2 , Shalbagan ,Barrackpore Road, Barasat, Kolkata- 700125 shall intimate the date of possession of the secured asset to The Superintendent of Police, Basirhat P.D, North 24 - Parganas, as well as to Md. Abu Tayeb, 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 well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of the District Magistrate, North 24- Parganas, The Superintendent of Police, Basirhat P.D, 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.

Date. 29-02-2024 

Memo No. 647/1(6)JM

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Basirhat P.D, North 24- Parganas with a request to comply with the said order.
2. The Sub Divisional Officer, Basirhat, North 24- Parganas with a request to comply with the said order.
3. Md. Abu Tayeb, Executive Magistrate, in the Office of the Sub Divisional Office, Basirhat, North 24- Parganas, with a request to comply with the said order.
4. The Authorized Officer Bangiya Gramin Vikash Bank ,371/A/2 , Shalbagan ,Barrackpore Road, Barasat, Kolkata- 700125.
5. Mr. Gopal Kundu, S/O- Late Adhir Ranjan Kundu, residing at Vill- Bagjola, P.O-Kolsur, P.S-Baduria, Dist-North 24 Pgs, Pin-743438.
6. Mr. Abdul Aziz , S/O- late Hayat Box, Vill- Kritipur, P.O-Mandra, P.S-Baduria, Dist-North 24 Pgs, Pin-743438.


District Magistrate
North 24-Parganas

