



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

ORDER

Whereas Authorized Officer, Central Bank of India, Kharibari Branch, Mudia, North 24 Parganas, PIN – 700 128 has filed a petition u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Borrower namely Sri Musa Ali Mallick S/o. Sri Jahan Ali Mallick, and other two owners namely Ichha Ali Mallick S/o. Sri Jahan Ali Mallick & Sri Amjed Ali Mallick S/o. Sri Jahan Ali Mallick, residing at Vill – Kharibari, PO- Kamduni, PS – Rajarhat, North 24 Parganas, PIN – 700 135 . (Case No – 50/24/MN)

and

Whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Central Bank of India, Kharibari Branch, Mudia, North 24 Parganas, PIN – 700 128, 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 Rs. 8,00,000.00 (Rupees Eight Lac Only) on 10.02.2010 to Borrower namely Sri Musa Ali Mallick S/o. Sri Jahan Ali Mallick, and other two owners namely Ichha Ali Mallick S/o. Sri Jahan Ali Mallick & Sri Amjed Ali Mallick S/o. Sri Jahan Ali Mallick, residing at Vill – Kharibari, PO- Kamduni, PS – Rajarhat, North 24 Parganas, PIN – 700 135, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece and parcel of a landed property measuring an area more or less 01 Satak together with structure standing thereon J.L.No – 189, R.S.No – 150, Khatian No – Sabek- 351, Hal - 776, Dag No – 1378, Vill – Kharibari, PO – Kamduni, PS - Barasat, North 24 Parganas. The Mortgaged Property stands in the name of Sri Musa Ali Mallick S/o. Sri Jahan Ali Mallick, Ichha Ali Mallick S/o. Sri Jahan Ali Mallick & Sri Amjed Ali Mallick S/o. Sri Jahan Ali Mallick and being the registered Deed No. – I – 8583 for the year 1986 and the deed is registered at the office of SR - 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 09.11.2021 due to non servicing of interest/ installment

3) Notice dated 29.01.202 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The total outstanding amount as mentioned in notice is Rs 13,52,750.00 (Rupees Thirteen Lac Fifty Two Thousand Seven Hundred and Fifty) only and the demand notice was received by the borrower on 18.02.2022.

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 29.01.2022.

5) Secured creditor issued possession notice dated 03.06.2023 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 08.06.2023

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

11) There is a M.S.- 161/2022 pending before Ld. 1st Civil Judge (Sin.Div.) 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 leese/tenancy as per affidavit, deed(s), records or all other relevant documents

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(2)
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 Central Bank of India, Kharibari Branch, Mudia, North 24 Parganas, PIN – 700 128, the secured creditor and being satisfied, it is hereby ordered that Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, 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 creditors u/s 14 (1A) of SARFAESI act. 2002

and

Whereas Authorized Officer, Central Bank of India, Kharibari Branch, Mudia, North 24 Parganas, PIN – 700 128, will intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, as well as to, Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, 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 The Superintendent of Police, Barasat Police District, 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.

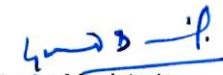

District Magistrate
North 24-Parganas.
12/11/24

Memo No. J -15013(11)/ 482 11(5)/2024/JM *

Date. - 16 102 /2024

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat Police District, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat, North 24- Parganas, with a request to comply with the said order.
3. Sri Lakshmi Kanta Roy, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Central Bank of India, Kharibari Branch, Mudia, North 24 Parganas, PIN – 700 128.
5. Sri Musa Ali Mallick S/o. Sri Jahan Ali Mallick, and other two owners namely Chha Ali Mallick S/o. Sri Jahan Ali Mallick & Sri Amjed Ali Mallick S/o. Sri Jahan Ali Mallick, residing at Vill – Kharibari, PO- Kamduni, PS – Rajarhat, North 24 Parganas, PIN – 700 135.


District Magistrate
North 24-Parganas.
12/11/24