



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

Order

Whereas Authorized Officer, State Bank of India, RACPC Kolkata, Avani Heights 59A, Chowringhee, Kolkata - 700 020 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 Mr. Santu Kumar Prasad, S/o Mr. Krishna Prasad, Address At: 14B, Maheshavari Devendra Road, Kolkata - 700 007; Also at: Pirtala Road, Ghola, P.S.- Khardah, Near Shankar Master Builders, Pin - 700 111; Also at 15 Park Street, Kolkata - 700 016 having no Co - Borrower / Guarantor in the Case No :436/23 dated 23/05/2023

And

Whereas in the light of above matter the petition along with affidavits and other relevant documents submitted by the Authorised officer, State Bank of India, RACPC Kolkata, Avani Heights 59A, Chowringhee, Kolkata - 700 020 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. 4,15,000.00 (Rupees Four Lakhs Fifteen Thousand) only on 07.07.2009 to the Borrower viz. Mr. Santu Kumar Prasad, S/o Mr. Krishna Prasad, having no Co - Borrower / Guarantor against the mortgaged piece and parcel of landed property as follows:

Schedule of Property

- 1) All that piece and parcel of bastu land measuring an area 1 Cottah 10 Chittaks together with a two storied pucca building measuring about 1603.40 sq.ft. in each floor lying & situated at Mouza Ghola, J.L.No.40, R.S. No.103, Touzi No. 6 comprised in Dag No.1410 under Khatian No. 96, P.S. Khardah at present Ghola A.D.S.R.O Brrackpore, Dist. North 24 Parganas within the local limits of Panihati Municipality under Ward No. 28, Holding No. 442 , registered in Block I CD Volume No. 26, Page No. 279 to 292, Being Deed No. 07626 for the year 2009.
The Mortgaged Property stands in the name of Mr. Santu Kumar Prasad, S/o Mr. Krishna Prasad.
The property is butted & bounded by: North - Dag No. 1408 & 1409 , South - 12 feet wide common passage , East - Scheme Plot No.4 & West - Scheme Plot No.2.
 - 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 08.10.2020 due to non-servicing of interest/ installment.
 - 3) Notice dated 04.01.2023 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. 1,32,422.53 (Rupees One Lakhs Thirty two Thousand Four Hundred Twenty Two & Fifty Three paisa) only and the demand notice was served on 05.01.2023.
 - 4) The Authorised Officer of the Secured Creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 04.01.2023.
 - 5) The Secured Creditor issued possession notice dated 27.04.2023 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 newspapers on 30.04.2023 & 01.05.2023 respectively.
 - 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
- 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.

(2)

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 23.05.2023 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 State Bank of India, RACPC Kolkata, Avani Heights 59A, Chowringhee, Kolkata - 700 020 and being satisfied, it is hereby ordered that Sri Pinaki Sankar 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 Barrackpore Sub-Division 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 State Bank of India, RACPC Kolkata, Avani Heights 59A, Chowringhee, Kolkata - 700 020 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, Sri Pinaki Sankar 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 Barrackpore Sub-Division 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.

Memo No.: 1171(5)/JM


District Magistrate
North 24 Parganas
Date. 09-04-2024

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 Sub-Division, North 24 Parganas, with a request to comply with the said order.
- 3) Sri Pinaki Sankar Biswas, Executive Magistrate, in the Office Of the Sub-Divisional Officer Barrackpore Sub-Division under the District Magistrate, North 24 Parganas, with a request to comply with the said order.
- 4) Authorized Officer, State Bank of India, RACPC Kolkata, Avani Heights 59A, Chowringhee, Kolkata - 700 020.
- 5) Mr. Santu Kumar Prasad (Borrower), S/o Mr. Krishna Prasad, Address At, 14B, Maheshavari Devendra Road, Kolkata - 700 007; Also at: Pirtala Road, Ghola, P.S.- Khardah, Near Shankar Master Builders, Pin - 700 111; Also at: 15 Park Street, Kolkata - 700 016.


District Magistrate
North 24 Parganas