



ORDER

Whereas Authorized Officer, Punjab National Bank,(Erstwhile),(United Bank of India), Circle Sastra ,48 Jessore road near Seth Pukur ,North 24 Parganas , West Bengal , Kol-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 assets/Property of the Borrower & Guarantor namely Omar Ali Sardar, S/O- Md. Emtaj Ali Sardar and Mina Sardar, W/O- Omar Ali Sardar both are residing at Vill- Narayanpur, P.O- Soladana, P.S- Basirhat, North 24 Parganas, Pin - 743422.

(Case No – 729/22) dated 23.08.2022).

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), Circle Sastra, 48 Jessore Road near Seth Pukur ,North 24 Parganas , West Bengal , Kol-700124, 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. 6,00,000.00 (Rupees Six Lac) Only on 10.05.2018 to Borrower & Guarantor Omar Ali Sardar, S/O- Md. Emtaj Ali Sardar and Mina Sardar, W/O- Omar Ali Sardar both are residing at Vill- Narayanpur, P.O- Soladana,P.S- Basirhat, North 24 Parganas, Pin– 743422. against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1) Equitable Mortgage of Land and residential building situated at Mouza- Nalkora, J.L.No – 123, Khatian No-374, Post office Soladana, P.S- Basirhat, Dag No-4324, Total area 3 Decimal Bastu Land . Property in the name of Omar Ali Sardar .The Mortgaged Property stands in the name of Omar Ali Sardar S/O- Md. Emtaj Ali Sardar and being the registered Deed No. I-7271 for the year 2012 at the Office of the A.D.S.R.O.- Basirhat, 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 31.03.2021 due to non-servicing of interest/ installment.
- 3) Notice dated 29.06.2021 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.5,76,572 (Rupees Five Lac Seventy Six Thousand Five Hundred Seventy Two) Only. The Demand notice was received by the borrower on 15.07.2021.
- 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2) on 29.06.2021
- 5) The Secured creditor issued possession notice dated on 08.11.2021 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 newspapers of financial Express and Ajjal on 12.11.2021.
- 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

(2)

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 lessee/tenancy as per affidavits, deed(s), records or all other relevant documents.

and

Therefore, after careful consideration of the contents of the affidavits 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), Circle Sastra, 48 Jessore Road near Sethpukur ,North 24 Parganas circle , West Bengal , Kol-700124, the secured creditor and being satisfied, it is hereby ordered that Sri Chittajit Basu, 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 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.

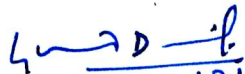
and

Whereas Authorized Officer, of Punjab National Bank, (Erstwhile),(United Bank of India), Circle Sastra ,48 Jessore road near Sethpukur ,North 24 Parganas circle , West Bengal , Kol-700124, 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 Sri Chittajit Basu 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 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 13/07/24
North 24 Parganas.

Memo No. 2198/JM/1387

Copy forwarded for information and necessary action to :-

Date 15-07-2024

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. Sri Chittajit Basu, Executive Magistrate, in the Office of The Sub Divisional Officer, Basirhat ,North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Punjab National Bank,(Erstwhile),(United Bank of India), Circle Sastra ,48 Jessore road near sethpukur ,North 24 Parganas circle , West Bengal , Kol-700124.
5. Omar Ali Sardar,S/O- Md. Emtaj Ali Sardar, Vill- Narayanpur, P.O- Soladana, P.S- Basirhat, North 24 Parganas, Pin- 743422.
6. Mina Sardar, W/O- Omar Ali Sardar both are residing at Vill- Narayanpur, P.O- Soladana, P.S- Basirhat, North 24 Parganas, Pin - 743422.




District Magistrate
North 24-Parganas