


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



ORDER

Whereas Authorized Officer, UCO Bank, Bongaon Branch, Ramnagar Road, P.O- Bongaon, District-North 24 Parganas, Pin-743235, 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 & Co-Borrower namely Sri Gobinda Sarkar, S/O.- Sri. Narayan Chandra Sarkar, and Smt. Sonali Sarkar, W/O- Sri Gobinda Sarkar both are residing at Vill.- Jeala, P.O-Ballavpur P.S –Bangoan, District North 24 Parganas, Pin-743225 and Guarantor Smt. Damayanti Biswas, W/O- late Sudhir Kumar Biswas residing at Vill- Chandpara, Near BDO office, P.O- Chandpara Bazar, P.S- Gaighata, Dist 24 PGs(North), Pin-743245.

(Case No – 735/22 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, UCO Bank, Bongaon Branch, Ramnagar Road, P.O- Bongaon, District-North 24 Parganas, Pin-743235, 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. 9,00,000.00 (Rupees Nine Lakh) Only on 03.02.2014 Borrower & Guarantor namely Sri Gobinda Sarkar, S/O.- Sri Narayan Chandra Sarkar, and Smt. Sonali Sarkar, W/O- Sri Gobinda Sarkar both are residing at Vill.-Jeala, P.O-Ballavpur P.S – Bangoan, District North 24 Parganas, Pin-743225 and Smt Damayanti Biswas, W/O- late Sudhir Kumar Biswas, residing at Vill- Chandpara, Near BDO office, P.O- Chandpara Bazar, P.S- Gaighata, Dist 24 PGs(North), Pin-743245 against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

- 1). All that piece and parcel of Landed Property Measuring and area of 09 Satak More or Less, at Mouza-Dakshin Jeala, J.L.No-150, L.R Khatin No.-230, New Khatian No.-699, R.S Dag No.164, L.R Dag No.169 Situated at Vill-Jeala Under Kalpur Gram Panchayet, P.O-Ballavpur, P.S –Bangoan, Dist-North 24 Parganas, Being Deed No- I-00166 volume No-1, Pages no-2824 to 2839 dated on 04/01/2013. The Property is Butted and Bounded by North –Property of Seller Own Hand, South – Pacca Road., East-Property of Abhimannya Sarkar, West – Property of Murari Mohan Sarkar. The Mortgaged Property stands in the name of Sri Gobinda Sarkar, S/O.- Sri Narayan Chandra Sarkar and being the registered Deed No. I-00166, dated on 04/01/2013 at the Office of the A.D.S.R.-Bangoan, 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 31.12.2019 due to non-servicing of interest/ installment.
- 3) Notice dated 13.05.2022 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.8,04,241.78 (Rupees Eight Lakh four thousand two hundred forty one and seven eight paise) only. The Demand notice was received by the borrower on 23.05.2022.
- 4) The Authorised Officer of the secured creditor received no representation from the borrowers in reply to demand notice u/s 13(2) on 13.05.2022.
- 5) The Secured creditor issued possession notice dated 08.08.2022 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 of Financial Express and Sukhabar on 11.08.2022 .
- 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

(Continued to page No. – 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 UCO Bank, Bongaon Branch, Ramnagar Road, P.O- Bongaon, District-North 24 Parganas, Pin-743235, the secured creditor and being satisfied, it is hereby ordered that Sri Jyotindra Nath Bairagi, 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, Bongaon, 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 of UCO Bank, Bongaon Branch, Ramnagar Road, P.O- Bongaon, District-North 24 Parganas, Pin-743235, shall intimate the date of possession of the secured asset to The Superintendent of Police, Bongaon P.D, North 24 - Parganas, as well as to, Sri Jyotindra Nath Bairagi, 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, Bongaon, North 24- Parganas, well in advance to take physical possession of the secured assets/property of the secured creditor on behalf of District Magistrate. The Superintendent of Police, Bongaon 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. 22-07-2024

Memo No. 2263/JM/BST

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Bongaon P.D, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Bongaon, North 24- Parganas, with a request to comply with the said order.
3. Sri Jyotindra Nath Bairagi, Executive Magistrate, in the Office of the Sub-Divisional Officer, Bongaon,, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, UCO Bank, Bongaon Branch, Ramnagar Road, P.O Bongaon, District-North 24 Parganas, Pin-743235,
5. Sri Gobinda Sarkar, S/O.- Sri Narayan Chandra Sarkar, Vill.-Jeala, P.O-Ballavpur P.S -Bangoan, District North 24 Parganas; Pin-743225 .
6. Smt Sonali Sarkar (Co-Borrower) W/O- Sri Gobinda Sarkar, Vill.-Jeala, P.O-Ballavpur P.S -Bangoan, District North 24 Parganas, Pin-743225 .
7. Smt Damayanti Biswas, (Guarantor) W/O- late Sudhir Kumar Biswas, Vill- Chandpara, Near BDO office, P.O- Chandpara Bazar, P.S- Gaighata, Dist 24 PGs(North), Pin-743245.


District Magistrate
North 24-Parganas

