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



ORDER

Whereas Authorized Officer, Tata Capital Housing Finance Ltd, Park Plaza – 71, Park Street, Flat No. 2C and 2D, South Block, Kolkata – 700 016 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 namely Smt. Archana Sikder W/o. Sri Ramesh Sikder, residing at, Tenching Ground, Road-8, Bijpur, Landmark- Bhartiyo Sangha Club (Halisahar Nabanagar), North 24 Parganas, Kol – 743 136, having a Co-Borrower namely Smt. Ramesh Sikder, residing at, Tenching Ground, Road-8, Bijpur, Landmark- Bhartiyo Sangha Club (Halisahar Nabanagar), North 24 Parganas, Kol – 743 136. (Case No – 104/24/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised officer, Tata Capital Housing Finance Ltd, Park Plaza – 71, Park Street, Flat No. 2C and 2D, South Block, Kolkata – 700 016 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 secured creditor granted a loan Rs. 10,50,000.00 (Rupees Ten Lac Fifty Thousand Only) on 28.10.2018 to Borrower namely Smt. Archana Sikder W/o. Sri Ramesh Sikder, residing at, Tenching Ground, Road-8, Bijpur, Landmark- Bhartiyo Sangha Club (Halisahar Nabanagar), North 24 Parganas, Kol – 743 136, having a Co-Borrower namely Smt. Ramesh Sikder, residing at, Tenching Ground, Road-8, Bijpur, Landmark- Bhartiyo Sangha Club (Halisahar Nabanagar), North 24 Parganas, Kol – 743 136, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece and parcel of the immovable property being a land alongwith house built thereon; Land measuring about 2 Cottah together with structure measuring about 100 Sq. Ft. standing thereon forming part of R.S.Dag No – 2538 corresponding to L.R.Dag No – 4566 under R.S.Khatian No – 167 corresponding to L.R.Khatian No – 4618 and 6511, J.L.No – 6, R.S. No – 37 in Mouza – Halisahar Under PS – Bizpur, North 24 Parganas, presently known and numbered as municipal Holding/Premises no. 132/N Nabanagar Main Road Under Municipal, within the limit of Halisahar Municipality. The Property is butted and bounded by North – Manindra Pal Sing, South – 6ft. wide common passage, East – Manoranjan Pal Ding, West – Prakash Das. The Mortgaged Property stands in the name of Smt. Archana Sikder W/o. Sri Ramesh Sikder and being the registered Deed No. – I – 150705078 the year 2015 at the Office of the ADSR – Naihati, 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 03.08.2022 due to non servicing of interest/ installment

3) Notice dated 12.09.2022 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. 11,45,938.35 (Rupees Eleven Lac Forty Five Thousand Nine Hundred Thirty Eight and Thirty Five Paise) only and the demand notice was published in two daily news papers on 22.09.2022

4) The Authorised Officer of the secured creditor received representation on 07.11.2022 from the borrowers in reply to demand notice u/s 13(2), which was duly replied by the secured creditor on 14.11.2022

5) The Secured creditor issued possession notice dated 08.12.2022 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 on 12.12.2022

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.

(Continued to page No. – 2)

(2)
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 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

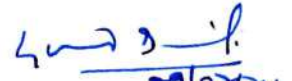
Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1) B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Tata Capital Housing Finance Ltd, Park Plaza – 71, Park Street, Flat No. 2C and 2D, South Block, Kolkata – 700 016, the secured creditor and being satisfied, it is hereby ordered that Sri Kuntal Bose, 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, 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, Tata Capital Housing Finance Ltd, Park Plaza – 71, Park Street, Flat No. 2C and 2D, South Block, Kolkata – 700 016 shall intimate the date of possession of the secured asset to the Commissioner of Police, Barrackpore, North 24 - Parganas, as well as to, Sri Kuntal Bose, 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, 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 Commissioner of Police, Barrackpore, 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.

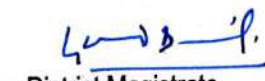

District Magistrate,
North 24 - Parganas.
05/7/24

Memo No. J -15013(11)/ 2118 11/(5)/2024/JM
Copy forwarded for information and necessary action to :-

Date. - 10/07/2024

1. The Commissioner of Police, Barrackpore, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barrackpore, North 24- Parganas, with a request to comply with the said order.
3. Sri Kuntal Bose, Executive Magistrate, in the Office of the Sub Divisional Officer, Barrackpore North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Tata Capital Housing Finance Ltd, Park Plaza – 71, Park Street, Flat No. 2C and 2D, South Block, Kolkata – 700 016.
5. Smt. Archana Sikder W/o. Sri Ramesh Sikder, residing at, Tenching Ground, Road-8, Bijpur, Landmark- Bhartiyo Sangha Club (Halisahar Nabanagar), North 24 Parganas, Kol – 743 136, having a Co-Borrower namely Smt. Ramesh Sikder, residing at, Tenching Ground, Road-8, Bijpur, Landmark- Bhartiyo Sangha Club (Halisahar Nabanagar), North 24 Parganas, Kol – 743 136.




District Magistrate
North 24-Parganas.
05/7/24