Miscellaneous Case No.44 of 2026
Present : Sri Amit Sarkar J.O. Code – WB01103
Additional Chief Judicial Magistrate, Alipore

Order dt.30.06.2026.

The petitioner has prayed for extension of order passed by this Court on 16.04.2026 on the ground of unavoidable circumstances(due to SIR and Election Procedure), the order could not be executed.

The High Court of Madhya Pradesh in the matter of ***Smt. Mishri Bai W/o Late Shri Nirmal Kumar and others v. Shubh Laxmi Mahila Cooperative Bank Ltd.,*** has observed thus :-

> The secured creditor is not required to approach again and again before the District Magistrate or DRT for recovery of the amount, once the order has been passed under section 14 of SARFAESI Act until unless the entire outstanding amount is recovered, the order remains valid, therefore, the Tehsildar has not committed any error of law or he does not functus officio unless the entire outstanding amount is recovered by the bank. It is settled law that any order passed by the Authority, quash-judicial authority or the Court or Tribunal remains valid unless reviewed, recalled, cancelled by the same authority or court or set aside by the Higher Court/Tribunal, **thus the order passed by District Magistrate is still valid and Respondent/Bank is free to take steps thereafter until the entire outstanding amount is cleared.**

SEAL OF THE COURT OF THE ADDL. CHIEF JUDICIAL MAGISTRATE SOUTH 24 PARGANAS, ALIPORE

Considering the above principle of law I am of the opinion that until the entire outstanding amount is cleared in this case, the order remains valid and this authority has every power to pass necessary order for realisation of the debt.

In view of the reasons stated by the petitioner, I am inclined to extend the order dated 16.04.2026 till 30.07.2026.

Todate.

Sd/-
D/c by me
Addl. Chief Judicial Magistrate,
Alipore, South 24 Parganas

Sd/- A. Sarkar
ACJM, Alipore.
Addl. Chief Judicial Magistrate
Alipore, South 24 Parganas

possession of the property.

The Authorized Officer, Mr. Murari Kumar Choudhury of the applicant Financial [illegible] has submitted an affidavit in compliance with Section 14 of the SARFAESI Act, alongwith all required documents, which have been verified and found to be in conformity with the requirements.