

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.6335 of 2010

***Deepak Kumar Behera and
another***

....

Petitioners

None

-versus-

***Canara Bank, Bhubaneswar
and another***

....

Opp. Parties

Mr. Santosh Kumar Mohanty,
Advocate for Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (ORAL)

23.03.2022

Order No.

- 06.** **1.** This matter is taken up by virtual/physical mode.
- 2.** The Petitioner No.1 i.e. Deepak Kumar Behera (proprietor of M/s. Biswanath Bhandar) availed a Cash Credit Loan to the limit of ₹12 lakhs on 06.12.2007 from Opposite Party No.1 i.e. Canara Bank, Red Cross Bhawan, Bhubaneswar by mortgaging a property located at Plot No.1749/2704, Khata No.185, Tahasil-Cuttack Sadar, Dist-Cuttack. The Petitioner No.2 i.e. Golakha Behera stood as guarantor.
- 3.** Due to default in installments, the loan account was declared NPA in 2009. The Demand Notice under Section 13(2) of the SARFAESI Act, 2002 (in short 'the Act, 2002') was issued on 04.01.2010 recalling the outstanding liability of ₹15,52,879.97 due as on 31.12.2009 with an additional interest @ 12%. Symbolic possession of the secured asset under Section 13(4) of the Act, 2002 was assumed on 13.03.2010.

Further, the O.P No.1 published a notification dated 16.03.2010 for auction of the mortgaged property.

4. The Petitioners have approached this Court to quash notices under Section 13(2), 13(4) of the Act, 2002 and also to quash the auction notification dated 16.03.2010.

5. During the course of hearing, Mr. Mohanty, learned counsel for the Opposite Party-Bank states that the loan account No.0328261010179 stands closed vide letter dated 21.03.2022 due to full and final settlement by the Petitioner.

6. In view of the above submission, the writ petition is accordingly dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

March 23rd 2022
Cuttack

AKK