

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8980 of 2005 and Batch of writ petitions

Arun Kumar Panda **Petitioner**
(In W.P.(C) No.8980 of 2005)

M/s. A. K. Mishra (B) and associates, Advocates

Sarthak Builders Private Limited, **Petitioners**
Cuttack and another
(In W.P.(C) No.6001 of 2002)

M/s. M. Tripathy and associates, Advocates

Dr. Ramesh Chandra Rath and
another
(In W.P.(C) No. 6591 of 2005)

Samar Keshari Bhuyan
(In W.P.(C) No.6879 of 2005)

Ratnamanjulata Ghadei
(In W.P.(C) No.6880 of 2005)

Meena Dash
(In W.P.(C) No. 8895 of 2005)

Manorama Mishra and another
(In W.P.(C) No.9073 of 2005)

Mr. Lalatendu Samantaray, Advocate

Geeta Mishra **Petitioner**
(In W.P.(C) No.9293 of 2005)

M/s. J. M. Mohanty and associates, Advocates

Bijaylaxmi Das **Petitioner**
(In W.P.(C) No.5639 of 2006)

None

Bhaja Krushna Pradhan **Petitioner**
(In W.P.(C) No.7357 of 2006)

M/s. K. M. Panda and associates, Advocates

Sunita Sahoo **Petitioner**
(In W.P.(C) No.20089 of 2010)

M/s. S.C. Dash and associates, Advocates

Rameswar Brahma
(In W.P.(C) No. 21221 of 2012)

Petitioner

M/s. H. M. Dhal and associates, Advocates

Hema Manjari Bhanja Deo
(In W.P.(C) No.21300 of 2012)

Petitioner

M/s. S. Mohanty and associates, Advocates

-versus-

Orissa Rural Housing & Development Corporation Ltd., Bhubaneswar and others ***Opposite Parties***

Mr. Bibhu Prasad Tripathy and
Mr. A. Parida, Advocates for ORHDC Ltd.

CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH

ORDER
16.08.2022

Order No.

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1. In all these writ petitions, the Petitioners are purchasers from builders, who had borrowed loans from the Opposite Parties- Orissa Rural Housing and Development Corporation Ltd. (ORHDC) for construction of flats. The ground on which the ORHDC has issued notices to these Petitioners under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act) is that the purchases were made without prior permission of the ORHDC in whose favour the flats were mortgaged for repayment of the loans.

2. While issuing notice in these petitions, this Court had passed interim orders of stay or status quo. As a result, proceedings have not been able to progress pursuant to the notices under the SARFAESI Act.

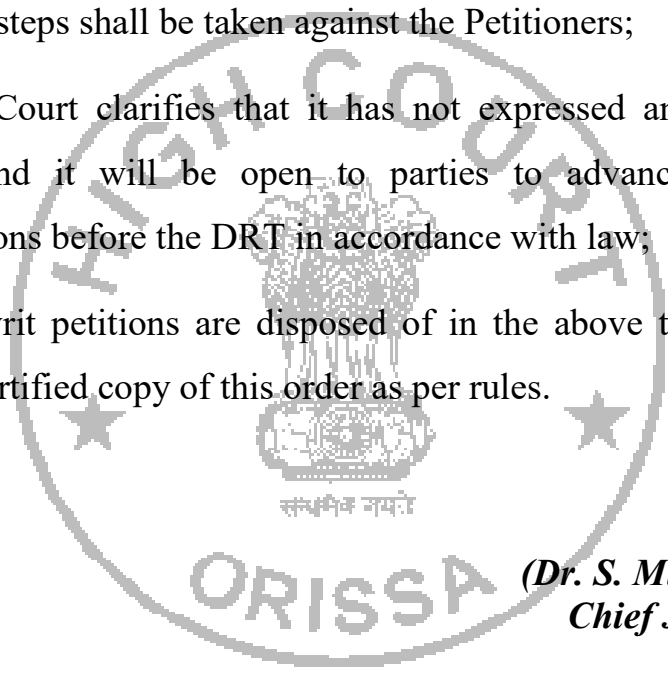
3. In the circumstances, the Court sees no reason why the statutory processes should not be taken to its logical end and, therefore directs as under:

i. The interim orders are modified by permitting the ORHDC to proceed further in terms of the notices under the SARFAESI Act by instituting appropriate proceedings before the Debt Recovery Tribunal (DRT);

ii. Till such time the DRT passes an appropriate order on applications for interim relief to be filed by either party, no coercive steps shall be taken against the Petitioners;

iii. The Court clarifies that it has not expressed any view on merits and it will be open to parties to advance all their submissions before the DRT in accordance with law;

4. The writ petitions are disposed of in the above terms. Issue urgent certified copy of this order as per rules.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda