

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19249 of 2014

Jagatprava Das ***Petitioner***

Mr. Kalyan Kumar Mohapatra, Proxy Counsel,
on behalf of Mr. Subhankar Rout, Advocate

-versus-

District Magistrate-cum-Collector, Khurda & Another ***Opp. Parties***

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)

22.11.2022

(Hybrid Mode)

Order No.

- 04.** **1.** The petitioner is the widow of a defaulting borrower and has laid challenge to a simplicitor notice issued by the District Magistrate, Khurda of the proceedings initiated on an application filed by the Bank under Section 14 of the SARFAESI Act, 2002 asking for providing of official assistance to take over the actual physical possession of the mortgaged property.
- 2.** This Court while issuing notice vide order dated 16.10.2014 had passed the following interim directions:

"Misc. Case No.16971 of 2014

As an interim measure, we direct that neither any coercive action shall be taken against the petitioner pursuant to Annexure-1 nor she shall be dispossessed from her property in question without leave of this Court subject to the petitioner depositing a

sum of Rs.2,00,000/- (two lakh) with the bank within a period of four weeks from today.”

3. We find that mere issuance of notice to join proceedings provide no cause of action to the petitioner.

4. At the time of hearing, learned counsel for the petitioner has filed a Memo dated 22.11.2022 in Court today stating therein that the petitioner is not willing to proceed with the Writ Petition anymore and prays for permission to withdraw the same. The Memo be kept on record.

5. In view of the Memo filed, the Writ Petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

22nd November, 2022
Cuttack