IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.21104 of 2013

Deepak Kumar Jena .... ***Petitioner***

Mr. Dayanidhi Mohanty, Advocate

-versus-

Authorised Officer & Chief Manager, State Bank of India .... ***Opposite Party***

Mr. Gurudutta Kar, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

Order No. **22.07.2022**

19. **1.** This matter is taken up by virtual/physical mode.

2. The Petitioner, a defaulting borrower, who had availed a house building loan of Rs.4,22,000/- in the year 2008 from the State Bank of India, Kaipada Branch in the district of Jajpur. Due to default in repayment of E.M.I., the loan account was classified as NPA pursuant to which a demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 26th January, 2013, recalling an amount of Rs.4,89,219/- +interest as on 26th January, 2013. Symbolic possession of the secured asset was assumed vide notice under Section 13(4) of the SARFAESI Act, 2002 issued on 23rd April, 2013. Such possession notice was also published in the newspaper 'The Samaj' on 14th August, 2013. The Petitioner s challenged the said possession notice in the writ petition.

3. This Court vide order dated 16th September, 2013 directed the Petitioner to deposit Rs.60,000/- in two equal monthly installments and in such event of deposit, the Bank was directed not to take any coercive measure pursuant to aforesaid possession notice dated 23rd April, 2013.

4. Further amount of Rs.1.00 lakhs was directed to be deposited in two equal monthly installments vide order dated 27^{th} November, 2013. Thereafter the matter was being placed to before the Permanent and Continuous Lok Adalat on 22^{nd} November, 2021, 6^{th} December, 2021, 24^{th} December, 2021, 20^{th} January, 2022, 27^{th} January, 2022, 3^{rd} February, 2022, 14^{th} February, 2022, 25^{th} February, 2022, 10^{th} March, 2022, 25^{th} March, 2022, 7^{th} April, 2022, 21^{st} April, 2022 and 5^{th} May, 2022. Since neither of the Parties cooperated, the matter has been referred to this Court.

5. When the matter is taken up today, counsel for the Bank submitted that the interim orders passed by this Court have been complied with by the Petitioner, the loanee.

6. Mr. Dayanidhi Mohanty, counsel for the Petitioner submitted a memo dated 22^{nd} July, 2022, which is taken on record. Said memo reflect as under:-

> *"Since this is an old matter, no instruction has been received by the Petitioner so far, the case may be permitted withdrawn being not pressed."*

7. In view of the Memo filed by the counsel for the Petitioner, the writ petition is permitted to be withdrawn as prayed for. The writ petition, therefore, stands dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant July 21^{st}, 2022 Cuttack