

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6672 of 2014

Bijoya Kumar Shaw ***Petitioner***

Mr. Digambara Mishra, Advocate

-versus-

***Baripada Urban Cooperative
Bank Ltd. & Others***

.... ***Opp. Parties***

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. SAHOO

ORDER (Oral)

22.11.2022

(Hybrid Mode)

Order No.

- 13.** **1.** The petitioner-Bijoya Kumar Shaw has filed the present writ petition seeking a mandamus to the Bank to release the residential property in his favour and to settle the outstanding liabilities of Ashok Kumar Shaw, who is the brother of the petitioner, by way of an OTS settlement.
- 2.** It transpires that the property in question was purchased by their father in the name of Ashok Kumar Shaw, the eldest brother, when they were minors. However, it is claimed that by way of a family partition, the property in question had fallen to the share of the petitioner, but without there being actual recording of the same in the revenue records. Due to the recorded ownership of Ashok Kumar Shaw, he had raised a loan by mortgaging the property and upon default of the same, the secured creditors/

Bank has initiated recovery process including the said property offered as a collateral security.

3. It is evident that since the filing of the present writ petition in the year 2014 there is no interim order passed in favour of the petitioner. It is also revealed that none has been appearing for the petitioner during any of the proceedings before the Lok Adalat.

4. At the time of hearing today, Mr. Digambara Mishra submits that he has no instructions to pursue the present writ petition.

5. In view of the above, it is apparent that by efflux of time the present writ petition has become infructuous and is liable to be dismissed.

6. The writ petition is accordingly dismissed.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK

22nd November, 2022
Cuttack