

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1349 of 2022

Ananda Kumar Moda and another* *Petitioners
Mr. Prasanta Kumar Tripathy, Advocate
-versus-
Union Bank of India, Bajrakabati* *Opp. Parties
Road Branch, Cuttack and
another

Mr. Anshuman Mishra,
Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

21.02.2022

Order No.

- 05.
1. This matter is taken up through virtual/physical mode.
 2. Mr. Ananda Kumar Moda (Petitioner No.1) and Smt. Sushiladevi Moda (Petitioner No.2) are the two legal heirs of the original borrower, who is stated to have since died.
 3. The present writ petition has filed by the Petitioners assailing the E-auction Sale Notice dated 16th December, 2021, whereby the mortgaged property of the loanee was to be put on auction on 21st January, 2022 for recovering of the outstanding liability to the tune of Rs.17,11,578.50.
 4. During pendency of the present writ petition, it is a conceded case that upon deposit of the entire outstanding, the loan account has been closed and No Due Certificate issued. It is also undisputed that on account of part deposit, the fixed auction was kept in abeyance, and now stands withdrawn.
 5. The limited prayer now is for release of the title deeds of the mortgaged property at the earliest.

6. Mr. Mishra, counsel for the Bank submits that apart from Petitioners there is at least one other legal heir of the loanee, Sri Murari Lal Moda whose property offered as a collateral security.

7. An affidavit dated 19th February, 2022 of the Chief Manager, Union Bank of India, Bajrakabati Road Branch, Cuttack has been filed in Court today, wherein it is stated that the title deeds shall be released upon consent/no objection furnished by the other legal heirs on proper statutory forms. The affidavit is kept on record.

8. In view of the aforesaid developments, this writ petition is disposed of as infructuous with a direction to the Bank to release the title deeds as soon as possible upon fulfillment of the statutory requirements by the legal heirs of the original borrower.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna