

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22181 of 2014

Surendra Kumar Nayak

Petitioner

Mr. Bijaya Kumar Pattanaik, Advocate

-versus-

Branch Manager, State

Bank of India, At/P.O.

Trahi Achyuta Nagar,

District-Khurda & Others

Opposite Parties

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. SAHOO

ORDER (Oral)

01.12.2022

(Hybrid Mode)

Order No.

- 07.** **1.** Petitioner is a defaulting borrower of a loan for an amount of Rs.4.5 lakhs availed on 18.09.2011 from State Bank of India, Trahi Achyuta Nagar Branch, District-Khurda. Due to non-deposit of the installments, the loan account was classified as NPA and recovery process under the SARFAESI Act, 2002 was initiated by issuance of a demand notice under Section 13(2) of the Act, 2002 and possession notice under Section 13(4) of the Act, 2002.
- 2.** Challenge in the present writ petition is to the letter dated 17.10.2014 (Annexure-1), whereby the Bank has informed the petitioner regarding the total outstanding liability as on 24.10.2014 is Rs.5,31,447/- and further advising him to pay the said outstanding amount by 31.10.2014 failing which action would be taken against him *qua* taking over of actual physical possession.

3. This Court while issuing notice, passed interim directions vide order dated 20.11.2014 which reads as under:

"Misc. Case No.19572 of 2014

Heard.

As an interim measure, it is directed that no coercive action shall be taken against the petitioner till disposal of the writ petition subject to petitioner's depositing a sum of Rs.50,000/ (rupees fifty thousand) before the concerned authority within a period of four weeks.

The Misc. Case stands disposed of.

Urgent certified copy of this order be granted on proper application."

4. At the time of hearing, learned counsel for the petitioner states that he has no instructions regarding compliance of the aforesaid interim directions nor to pursue the present Writ Petition any further. That apart, we find that the impugned letter dated 27.10.2014 is only an intimation to the petitioner informing him of the outstanding balance to be paid and therefore would not provide any cause of action to maintain the present Writ Petition.

5. In view of the above, the Writ Petition is dismissed.

**(Jaswant Singh)
Judge**

**(M.S. Sahoo)
Judge**