

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1047 of 2009

Bidyut Mohanty ***Petitioner***

Mr. Nirmal Chandra Mohanty, Advocate

-versus-

State of Orissa & Others ***Opp. Parties***

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)

05.12.2022

(Hybrid Mode)

Order No.

- 06.** **1.** The petitioner is stated to have obtained a Term Loan for a sum of Rs.15 lakhs from the Urban Cooperative Bank Ltd., Bhubaneswar Old Town Branch, which for the default in payment of installments, the Bank initiated the process for recovery under the Orissa Cooperative Societies Act, 1962 read with 1962 Rules.
- 2.** The petitioner in the present writ petition has challenged the demand notice dated 21.09.2004 recalling a sum of Rs.18,95,402/- along with future interest and for a direction to the Bank to accept the OTS proposal.
- 3.** The petitioner claims to have made an application in the month of March, 2008 seeking for One Time Settlement of the dues which appears to have been declined, thereafter the Bank is stated to

have proceeded to take actual physical possession of the mortgaged property offered as a collateral security to secure the aforesaid loan amount.

4. This Court while issuing notice on 21.01.2009 granted the following interim protection:

"Misc. Case No.823 of 2009

As an interim measure, it is directed that the cheque bearing No.139786 obtained from the petitioner shall not be placed in the bak for encashment without leave of this Court and no further coercive action shall be taken against the petitioner for non-payment of demand raised in E.P. Case No.44 of 2004-05.

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

Subsequently on 14.05.2009 the following order was passed.

"Heard in part.

Place this matter on 29th June, 2009.

Let opp. Parties give a detailed list of the loanees, who have taken loan more than Rs.10 lakhs from the Bank and amount recovered from them.

Let an amount of Rs.2 lakhs be paid by the petitioner in the meantime which shall be taken into account towards principal.

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

5. At the time of hearing, learned counsel for the petitioner states that he has no instructions in respect of the deposit of the amounts by the

petitioner in compliance of the aforesaid interim directions nor any instructions to pursue the present writ petition.

6. In view of the above, it is apparent that the petitioner has lost interest in pursuing the present writ petition, perhaps due to efflux of time the claim has become infructuous.

The Writ Petition is accordingly dismissed.

AKK

5th December, 2022
Cuttack



(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge