IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19955 of 2014

Dillip Kumar Rout .... ***Petitioner***

None

-versus-

Authorized Officer-cum-Chief Manager, (Rural), Regional Business Office, State Bank of India, Baripada, District-Mayurbhanj & Another .... ***Opp. Parties***

Mr. P.V. Balakrishna, Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. SAHOO

ORDER (Oral)
29.11.2022
(Hybrid Mode)

Order No.

07. **1.** The petitioner is a defaulting borrower in a Housing Loan account availed from State Bank of India, Pasuda Branch, Pasuda, District-Mayurbhanj for a sum of Rs.3,00,000/- in the year 2006, for which his father is stated to have stood as a guarantor. Due to non-deposit of the installments, recovery process under the SARFAESI Act, 2002 (for short “the Act, 2002”) was initiated by issuance of a demand notice under Section 13(2) of the Act, 2002 recalling the outstanding amount of Rs.4,77,142/-. Subsequently symbolic possession of the mortgaged residential house was assumed by issuance of a notice under Section 13 (4) of the Act, 2002.

2. This Court vide order dated 13.11.2014 had granted interim protection, which reads as under:

"Misc. Case No.17455 of 2014

Heard.

As an interim measure, we direct that if the petitioner deposits a sum of Rs.1,00,000/- (Rupees one lakh) with the bank within a period of four weeks from today, the petitioner shall be handed over the possession of the house and further undertaking that the petitioner shall not in any manner create any encumbrance over the same or induct any tenant into the said premises and file an undertaking before the bank that the possession will be handed back to the bank as and when it may be required in accordance with law and/or by direction of this Court.

Urgent certified copy of this order be granted on proper application after filing of the requisites for issue of notice."

3. None has come present at the time of hearing.

However, Mr. P.V. Balakrishna, learned counsel appearing for the Bank submits that in view of the loan account having been settled under the Rinn Samadhan OTS Scheme on 25.03.2018 on deposit of Rs.64,350/-, the loan account was closed. Therefore, he submits that the present writ petition has become infructuous.

4. In view of the above, the writ petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

AKK 29th November, 2022
Cuttack