

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.2091 of 2022

Nityananda Biswal

....

Petitioner

None

-versus-

***Chief Manager and Authorized
Officer, Canara Bank, R.O.-II
Budheswari Colony, Bhubaneswar
& Others***

....

Opp.Parties

Mr. B.N. Udgata, Advocate
(for Bank)

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

**ORDER (Oral)
10.03.2022**

Order No.

- 02.** 1. This matter is taken up by virtual/physical mode.
2. The defaulting borrower has filed this petition challenging the order dated 13th January, 2022 passed by the District Magistrate, Jagatsinghpur directing for providing official assistance to take over physical possession of the secured asset on the application under section 14 of the SARFAESI Act filed by the creditor i.e. Canara Bank, Paradip Branch.
3. None has put in appearance today on behalf of the Petitioner and this was also the situation on the previous date.

P.T.O.

4. Mr. B.N. Udgata, counsel appearing for the Bank on advance notice submits that the proper remedy for challenging the order is before the DRT and the writ petition is not maintainable. He further submits that for an outstanding liability of around Rs.38,60,000/- as on 21st February, 2022, a sale notice has been issued for auction to be conducted on 26th March, 2022.

5. In view of the above, We find no ground to entertain the present writ petition.

Accordingly, the writ petition is hereby dismissed with liberty to the Petitioner to seek his remedy under section 17 of the SARFAESI Act before the DRT of competent jurisdiction.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge