

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22981 of 2014

Tapan Kumar Behera

Petitioner

Mr. Santosh Kumar Dash, Advocate

-versus-

***Branch Manager, HDFC
Bank Limited, Jharpada
Branch, Bhubaneswar,
District-Khurda***

....

Opposite Party

Mr. Sk. Aziz, Proxy Counsel,
on behalf of Mr. N.K. Dash, Advocate for the Bank

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE G. SATAPATHY**

ORDER (Oral)

25.11.2022

(Hybrid Mode)

Order No.

- 10.** **1.** The petitioner is stated to have raised an agricultural loan for a sum of Rs.71,300/- in the year 2013 from HDFC Bank, Jharpada Branch, Bhubaneswar. To secure the loan, the petitioner had hypothecated/pledged his gold ornaments. Due to non-servicing of the account, recovery process was initiated in terms of the contractual obligations leading to the sale of the pledged ornaments.
- 2.** The present writ petition has been filed with the prayer for a direction to the Bank to return the pledged gold ornaments on payment of the actual loan amounts. The said prayer is based on allegations that in spite of the time of two months prayed for clearing

the loan liabilities, the Bank has proceeded to auction the pledged ornaments.

3. Since the filing of the writ petition in the year 2014, there was no interim order.

4. At the time of hearing, it is conceded that after the sale of the gold ornaments, the loan account was settled and closed and the excess amount refunded to the petitioner.

5. Faced with the aforesaid situation, and efflux of time, we find no ground to invoke our writ jurisdiction and the writ petition is accordingly dismissed.

**(Jaswant Singh)
Judge**

**(G. Satapathy)
Judge**

AKK

25th November, 2022
Cuttack