

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2190 of 2022

Girija Sankar Maharana **Petitioner**

Mr. D.P. Mohanty, Advocate

-versus-

**Circle Manager, Canara
Bank, BDA-J/2, Bhubaneswar,
and Others**

.... **Opp. Parties**

Mr. B.N. Udgata, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

25.02.2022

Order No.

- 02.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** Learned counsel for the parties heard.
 - 3.** The petitioner is a guarantor for the borrower i.e. M/s. Mahavir Suppliers, a proprietorship concern of the brother of the petitioner against a loan availed from Canara Bank. In view of the property having been auctioned and Sale Certificate dated 27th of October, 2021 already issued in favour of the auction purchaser, we are not inclined to entertain the instant writ petition even for consideration of the deposit of the entire outstanding liability which was due on the date of auction. We feel the proper remedy for the petitioner would be to approach the DRT with competent jurisdiction.
 - 4.** At this stage, learned counsel for the petitioner prays for withdrawal of the writ petition to enable his client to

seek the remedy under Section 17 of the SARFAESI Act, 2002.

5. In view of the above prayer, this writ petition is dismissed as withdrawn with the aforesaid liberty.

**(Jaswant Singh)
Judge**

**(M. S. Raman)
Judge**

February 25th, 2022
Cuttack

Basudev

