**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WP(C) No.20121 of 2014**

***Bijay Kishore Panda @ Bijaya Krishna Panda*** .... ***Petitioner***

Mr. Amit Prasad Bose, Advocate

*-versus-*

***The Chief Manager-cum-Authorized Officer, UCO Bank, Puri Branch, Puri and another*** .... ***Opp. Parties***

Mr. Chittaranjan Swain, Advocate for the Bank

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

**ORDER (ORAL)**

**Order No.** **20.04.2022**

**05.** **1.** This matter is taken up by virtual/physical mode.

**2.** The Petitioner is stated to have availed a housing loan from UCO Bank, Puri Branch, Puri for a sum of ₹2,90,000.00 on 04.07.2007. Due to non-payment of the installments, the loan account was classified as NPA on 31.03.2014. A demand notice dated 20.05.2014 was issued under Section 13(2) of the SARFAESI Act, 2002 (in short 'the Act, 2002') recalling the outstanding liability of ₹7,27,386.00 + interest. The symbolic possession of the secured asset/residential house was assumed on 25.09.2014 by issuance of a notice under Section 13(4) the Act, 2002.

**3.** By filing the present writ petition, the Petitioner has sought the quashing of the symbolic possession notice dated 25.09.2014 (Annexure-1) and also mandamus for an amicable settlement under the prevailing OTS scheme. It transpires that after filing of the petition, the property was put to e-auction, this Court vide interim order dated 07.11.2014 had passed a conditional order whereby the confirmation of the sale, if any, was not to be confirmed subject to the Petitioner depositing a sum of ₹1 lakh.

**4.** At the time of hearing, learned counsel for the Bank states that the Petitioner did deposit the required amount, however, not within the time.

**5.** We find that no basis much less any legal grounds have been raised to sustain the challenge to the possession notice. Be that be, the said auction had failed. The situation as of now is that a sum of around ₹14,50,000.00 is stated to be outstanding.

**6.** Learned counsel for the Petitioner submits that the Petitioner has already approached the Bank for restructuring the terms and conditions of the home loan, and therefore seeks permission of the Court to withdraw the instant writ petition to enable the petitioner to pursue his remedy with the Bank.

**7.** In view of the above, the present writ petition is dismissed as withdrawn with the liberty to the Petitioner to pursue his remedy before the Bank in accordance with law.

**(Jaswant Singh)**
**Judge**

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

April, 20th 2022
Cuttack

AKK