

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

**W.P.(C) No. 5277 of 2022**

**Brajabandhu Nayak**

....

***Petitioner***

Mr. Kamalakanta Mohanty, Advocate

*-versus-*

***Chief Manager-cum-  
Authorized Officer, UCO Bank  
(Secured Creditor) Zonal  
Office, O.T. Road, Balasore  
and another***

....

***Opp. Parties***

Mr. Sunil Kumar Swain, Advocate for the Bank

**CORAM:**

**JUSTICE JASWANT SINGH**

**JUSTICE M. S. RAMAN**

**ORDER (Oral)**

**09.03.2022**

**Order No.**

- 01.** 1. This matter is taken up through virtual/physical mode.
2. The brief facts of the case were that the petitioner availed a house building loan of Rs.6,00,000/- from the Opposite Party No.2, i.e. Authorized Officer UCO Bank on 11<sup>th</sup> April, 2014. He secured the loan by mortgaging his land.
3. Due to financial indiscipline, the O.P. No.2 declared the loan account as NPA on 30<sup>th</sup> June, 2015. Further, a notice under Section 13(2) of SARFAESI Act, 2002 was issued on 25<sup>th</sup> September, 2015. The possession of the property was taken under Section 13(4) of the SARFAESI Act, 2002 on 28<sup>th</sup> December, 2017.

**4.** The petitioner requested the Opposite Party No. 2 to settle dues by payment of lump sum amount. The Opposite Party No. 2 agreed to the request on 17<sup>th</sup> May, 2019 and directed the petitioner to pay Rs.4,60,000/- within 31<sup>st</sup> of August, 2019.

**5.** Due to COVID-19, the petitioner defaulted in its payment. Consequently, the Opposite Party No. 2 on 25<sup>th</sup> of January, 2022 issued a sale notice for E-auction of the property on 28<sup>th</sup> February, 2022.

**6.** Aggrieved by the sale notice, the petitioner has approached this Court.

**7.** At the time of argument, counsel for the petitioner requested to withdraw the writ petition vide a withdrawal Memo dated 9<sup>th</sup> March, 2022.

**8.** In view of the above request, the W.P.(C) No.5277 of 2022 stands disposed of as withdrawn.

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

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

March 09<sup>th</sup>, 2022  
Cuttack

Basudev