

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No. 5938 of 2022

Ahalyarani Sahoo

....

Petitioner

Mr. A.N. Dash, Advocate

-versus-

***The Collector-cum-District
Magistrate & Others***

....

Opposite Parties

Mr. Nihar Kanti Mohapatra, Advocate
for Bank/Opp.Party Nos. 2 & 3

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
04.04.2022

Order No.

- 02.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** The Petitioner is a defaulting borrower of C.C limit of Rs.30.00 lakhs availed on 16th March, 2017 from the State Bank of India, Nayagarh Branch, Nayagarh. Due to financial indiscipline, the loan account was classified as NPA on 28th June, 2021 leading to issuance of notice U/s 13(2) of the SARFAESI Act, 2002 on 27th July, 2021 and recalling amount of around Rs.38.00 lakhs. The symbolic possession was assumed by issuance of notice U/s 13(4) of the SARFAESI Act, 2002 on 21st January, 2022.
 - 4.** By filing the present writ petition, the prayer is for issuance of direction to consider liquidate the outstanding liabilities of more than Rs.40.00 lakhs due as on today under any OTS Scheme, as also the order dated 24th February, 2022 passed by the District

Magistrate, Nayagarh providing for official assistance for taking over actual physical possession on an application moved under Section 14 of the SARFAESI Act, 2002.

5. At the time of hearing, counsel for the Petitioner in the light of DRT, Cuttack being functional, prays for permission to withdraw the present writ petition to enable the Petitioner to seek his remedy under Section 17 of the SARFAESI Act before the DRT.

6. In view of the above, the writ petition stands disposed of as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

April 4 , 2022
Cuttack

