

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7398 of 2022

Sumanta Kumar Das

.... **Petitioner**

Mr. Shib Shankar Mohanty, Advocate
along with Mr. G. Sahoo, Advocate

-versus-

**Odisha Gramya Bank,
erstwhile Neelachal
Gramya Bank, Rasulgarh
Branch, Bhubaneswar,
District-Khordha**

.... **Opp. Party**

Mr. Sandeep Mishra, Proxy Counsel
on behalf of Mr. Tuna Sahu, Advocate

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

**ORDER (Oral)
28.09.2022**

Order No.

04. This matter is taken up through virtual/physical mode.

1. The petitioner claims himself to be a *bona fide* purchaser of the property in question vide registered Sale Deed dated 24th February, 2021 from the owner-Smt. Rajalaxmi Pradhan, who had also offered personal guarantee for a loan availed by Mr. Bikram Keshari Pradhan for a sum of Rs.41 Lakhs in the year 2011 from the Odisha Gramya Bank, Rasulgarh Branch, Bhubaneswar, (for short, "the Bank"). Due to default in instalments, the Bank filed an OA Case No.82 of 2016 before the DRT for recovering of the outstanding liabilities, wherein vide order dated 10th April, 2018, the property in question owned by the guarantor was

attached. The said OA culminated into passing of a decree on 4th March, 2020 and the execution of the said decree was filed before the Recovery Officer on 4th January, 2021.

2. The petitioner by filing the present Writ Petition has laid challenge to a memo dated 16th February, 2022 issued by the Bank to the Sub-Registrar, Bhubaneswar requesting the cancellation of the Sale Deed in favour of the petitioner in violation of the Attachment Order dated 10th April, 2018 passed by the DRT in OA Case No.82 of 2016.

3. At the time of hearing realizing that memo dated 16th February, 2022 is only a memo providing some information, the challenge to the same would not be maintainable, and that apart, the appropriate proceedings will have to be initiated by the affected party for cancellation of the registered Sale Deed before the appropriate forum, learned counsel for the petitioner doesn't want to press the Writ Petition in order to seek his available remedies in accordance with law.

5. In view of the above, the present Writ Petition is dismissed as not pressed with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge