

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2380 of 2014

Gyanendra Kumar Sahoo

....

Petitioner

None

-versus-

Bank of Baroda & Another

....

Opp. Parties

Mr. Gurudutta Kar, Advocate for O.P. No.1 / Bank

None for O.P. No.2/Auction Purchaser

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. SAHOO

ORDER (Oral)

17.11.2022

(Hybrid Mode)

Order No.

- 18.**
- 1.** The petitioner was a defaulting borrower against whom recovery process under the SARFAESI Act, 2002 had been initiated.
 - 2.** The prayer in the instant writ petition is to quash the auction held on 27.01.2014 in favour of Opposite Party No.2/Auction Purchaser.
 - 3.** During the proceedings of this Court, upon directions passed by this Court, the petitioner had paid the stated amount to the auction purchaser and settled the dispute with him. An affidavit dated 08.11.2014 of Opposite Party No.2/Auction Purchaser is on record and Paragraph-2 of the same reads as under:

“2. That the Opp. Party No.2 has already handed over the original sale deed No.7819, dtd.26.5.08, sale deed No.8791, dtd.11.6.08

and R.O.R.No.359/237 dtd.7.4.2011 relating to the property of Mr. Gyanendra Sahoo situated over plot No.227, Sub plot Nos.74 and 75, Khata No.359/108 Ac.092 dec. located in Mouza-Atala, P.S. Baliana Khurda, which were delivered to this Opp. Party No.2 on 8.8.14. The concerned Sr. Branch Manager received the same on 5.11.2014. The same will clarify from the letter dtd. 5.11.2014 issued in favour of the Opp.party No.2 and the same is enclosed herewith as Annexure-A/2. As per the order of this Hon'ble Court the Opposite Party No.2 has filed this affidavit for necessary information."

4. At the time of hearing, learned counsel for the Bank by referring to the affidavit dated 11.09.2014 filed on behalf of the Bank states that upon settlement of the entire dispute, the loan account of the petitioner stands closed and the auction purchaser satisfied. Hence, the present writ petition has become infructuous.

5. In view of the above, the writ petition is dismissed as infructuous.

**(Jaswant Singh)
Judge**

**(M.S. Sahoo)
Judge**

AKK

17th November, 2022
Cuttack