

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9171 of 2022

Mayadhar Barik

....

Petitioner

Mr. L. Mishra, Advocate

-versus-

***Regional Manager, Bank of
Baroda & another***

....

Opp. Parties

Mr. K.M.H. Niamati, Advocate for Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE G. SATAPATHY

ORDER (Oral)

16.12.2022

(Hybrid Mode)

Order No.

- 03.**
- 1.** The auction purchaser is before this Court seeking a direction to the secured creditor/Bank for delivering the physical possession of the purchased property as also for execution of the sale deed or in the alternative refund of sale price deposited.
 - 2.** Mr. Niamati, learned counsel for the Bank states that with the change of description of the property in view of the new *khata* prepared, the possession could not be taken from the borrower and thus could not be handed over. He, however, upon instruction submits that an application under Section 14 of SARFAESI Act, 2002 for seeking possession has been filed by the Bank and thereafter

appropriate action shall taken in accordance with law.

3. In view of the aforesaid situation, we are not inclined to keep the present writ petition pending and accordingly disposed of as infructuous at this stage, to await the outcome of the application under Section 14 of SARFAESI Act, 2002 moved by the Bank.

**(Jaswant Singh)
Judge**

**(G. Satapathy)
Judge**

Subhasmita /
Kishore

16th December, 2022
Cuttack

