

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9960 of 2022

Shankarsana Guru

....

Petitioner

Mr. Ashok Kumar Sarangi, Advocate

-versus-

***Authorized Officer, Union Bank
of India, Regional Office, Cuttack
and others***

....

Opp. Parties

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

26.04.2022

Order No.

01.

1. This matter is taken up through virtual/physical mode.
2. The Petitioner along with his wife as co-applicant availed cash credit loan and housing loan from the Union Bank of India, Malgodown Branch, College Square, Cuttack. Due to financial indiscipline, the loan accounts were declared NPA on 26th July, 2021 leading to issuance of the demand notice dated 21st August, 2021 recalling an outstanding liability of Rs.14,99,688.01. The recovery process under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act, 2002') has led to the mortgaged property, offered as a collateral security in both the accounts, to auction sale to be conducted on 29th April, 2022.
3. The Petitioner by filing the present writ petition has sought for quashing of the sale notice dated 25th March, 2022 informing the e-auction of the mortgaged property to be held on 29th April, 2022.

4. Counsel for the Petitioner states that as per the Bank statements annexed, the Petitioner is not a defaulter.

5. After hearing counsel for the Petitioner, we find that an effort has been made to raise a dispute with regard to entries in the Bank statements, for which proper remedy is for the Petitioner to approach the DRT, Cuttack under Section 17 of the Act, 2002. Even for challenging the e-action sale notice, the proper forum for the Petitioner is to approach the DRT, Cuttack as it has time and again been reiterated by the Hon'ble Supreme Court that the writ jurisdiction should not be invoked in such like matters.

In view of the above, we are not inclined to invoke our writ jurisdiction.

6. Accordingly, this writ petition is dismissed with liberty to the Petitioner to seek his remedy before the DRT, Cuttack in accordance with law.

Issue urgent certified copy as per Rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge