

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19585 of 2016

Srikanta Pradhan

....

Petitioner

None

-versus-

***The Authorized Officer-cum-
Chief Manager, Bank of
Baroda, Bhawanipatna
Branch, Bhawanipatna,
District-Kalahandi &
Another***

....

Opp. Parties

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

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

**ORDER (Oral)
17.11.2022
(Hybrid Mode)**

Order No.

- 18.** **1.** The petitioner is the Proprietor of M/s. Jai Maa Manikeswari Rice Mill, Bhawanipatna and had availed Cash Credit facility to the tune of Rs.39,50,000/- and a Term Loan of Rs.60,00,000/- for a period of six years from Bank of Baroda, Bhawanipatna Branch, District-Kalahandi. Due to financial indiscipline, the loan accounts were classified as NPA and a demand notice dated 16.02.2016 under Section 13(2) of the SARFAESI Act, 2002 was issued recalling the outstanding liabilities of Rs.72,92,284/- plus future interest and expenses due as on 31.12.2015. The symbolic possession of the collateral securities/mortgaged property was assumed on 27.10.2016.

2. Challenge in the present Writ Petition is to the aforesaid notice assuming symbolic possession without laying any basis in the Writ Petition much less legal basis.

3. Learned counsel for the Bank states that since the time of issuance of notice and appearance of the counsel for the Bank on 23.11.2016, no copy of the Writ Petition was served on him as directed. He further states that there was no interim order passed by this Court nor has the petitioner appeared before the Lok Adalat as and when the same was listed.

None has appeared on behalf of the petitioner to controvert the aforesaid contention.

4. It appears that by efflux of time and no protection by this Court, the petitioner has lost interest in pursuing the present Writ Petition, perhaps in view of the proceedings having been concluded. That apart no challenge to the possession notice could be entertained in a Writ Petition.

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