

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29684 of 2011

Arabinda Mishra

....

Petitioner

None

-versus-

***State Bank of India and
Others***

....

Opp. Parties

Mr. Dillip Kumar Mishra and
Mr. Prabodh Behera, Advocates for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

23.02.2022

Order No.

- 08.**
- 1.** This matter is taken up through virtual/physical mode.
 - 2.** The petitioner is a defaulting borrower of a loan raised from State Bank of India, Dasapalla Branch, Dist-Nayagarh, and by filing the present writ petition has challenged the recovery process initiated by the Bank.
 - 3.** None has appeared on behalf of the petitioner, whereas an affidavit dated 22nd of February, 2022 of the Branch Manager has been filed in Court is taken on record. Paragraphs 2, 3 and 4 of the said affidavit read as under:

“2. That the petitioner had availed a loan for purchase of two trucks in the year 2010. Since there was a default in repayment, in the month of August, 2011, notice under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was issued.

3. That the petitioner had filed the writ application challenging the seizure of the vehicles and during pendency of the writ application, a compromise proposal was arrived at and the vehicles were released and under the “Rinn Samadhan” scheme, the loan account has been closed on 28-05-2018. Pursuant to the closure of the loan account, the bank vide letter dated 16-07-2018 has intimated the R.T.O., Nayagarh, regarding cancellation of hypothecation agreement and has also issued the no-dues certificate to the Petitioner on 28-05-2018.

4. That since the loan account of the petitioner has already been closed and no dues certificate having been issued, the writ application may be disposed off accordingly”.

4. In view of the above, the present writ petition has become infructuous and the same is accordingly dismissed as infructuous.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

February 23rd, 2022
Cuttack

AKK