

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.13172 of 2022

IDFC First Bank LTD., BBSR

Petitioner

Mr. D.P. Tripathy, Adv.

-Versus-

***The DM Cum Collector, Khurda
& Others***

Opp. Parties

Mr. S.S. Kanungo, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

02.09.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Mr. A.K. Das, learned counsel has appeared on instruction of Mr. D.P. Tripathy, learned counsel for the petitioner. The petitioner's grievance falls within a very short compass. For purpose of taking possession of the secured assets, the petitioner had filed the due affidavit to the District Magistrate and Collector urging assistance. Even though Section 14 of the SARFAESI Act mandates that appropriate order in this regard shall be passed within 30 days from the day of making such approach.
 3. The District Magistrate did not pass any order. On perusal of the entire writ petition, we do not find that at any point of time, the District Magistrate reminded of his obligation as created under the SARFAESI Act, as noted before.

4. The petitioner is given liberty to approach the District Magistrate by filing a representation referring to the obligation cast on him by the SARFAESI Act.

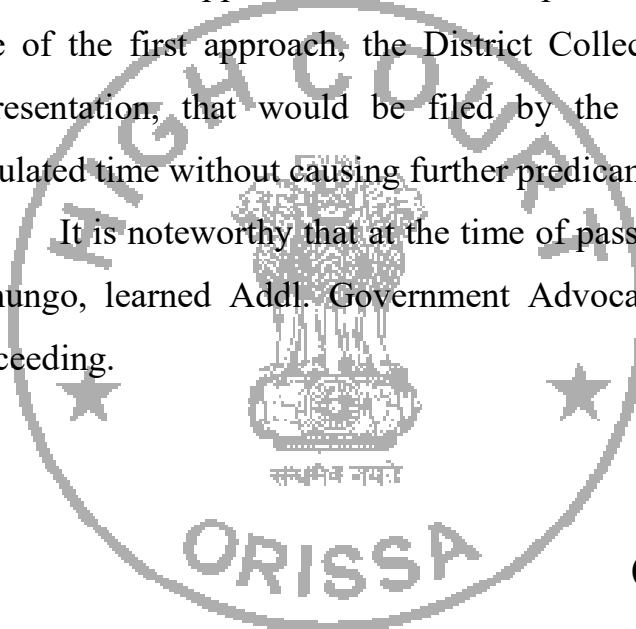
5. Having observed thus, this petition stands disposed of.

6. As we have not passed any direction on the Opposite Parties, we do not think that there is necessity to issue formal notice.

7. It is made clear that if the petitioner is aggrieved by any action of the District Magistrate, they will be at liberty to approach this Court again.

8. As it is apparent the time as stipulated, has lapsed from the date of the first approach, the District Collector may act upon the representation, that would be filed by the petitioner, within the stipulated time without causing further predicament to the petitioner.

9. It is noteworthy that at the time of passing the order, Mr. S.S. Kanungo, learned Addl. Government Advocate was present in the proceeding.



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge