IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22573 of 2015

Manas Ranjan Pattnaik .... ***Petitioner***

None

-versus-

Bank of Baroda, Banamalipur Branch, At-Bahada, District-Nayagarh and Another .... ***Opp. Parties***

Ms. Deepika Sukla, proxy counsel on behalf of Mr. K.M.H. Niamati, Advocate for the Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
01.08.2022

Order No.

04. **1.** This matter is taken up through hybrid arrangement (virtual/physical mode).

2. The brief facts of the case are that the petitioner for construction of a house availed two Term Loans amounting to Rs.3,00,000/- and Rs.4,50,000/- and a Kisan Credit Card loan amounting to Rs.25,000/- from the Bank of Baroda/Opposite Party No.1 by mortgaging his residential house. Due to non-servicing of the loan accounts, they were classified as NPA and a Demand Notice under Section 13(2) of the SARFAESI Act, 2002 (in short, "the Act,2002") was issued on 22nd June, 2015 recalling the outstanding liability of Rs.6,70,086/- due as on 31st March, 2015. Thereafter notice under Section 13 (4) of the Act, 2002 was issued on 10.11.2015 taking symbolic possession of the mortgaged property.

3. Challenge in the present Writ Petition is laid to the Possession Notice dated 10th November, 2015 issued under Section 13 (4) of the Act, 2002 and for a direction to the Opposite Party/Bank to settle the loan account under the OTS Scheme.

This Court vide order dated 06.01.2016 granted interim protection by directing that no coercive action shall be taken against the petitioner pursuant to the possession notice dated 10.11.2015 nor the property of the petitioner shall be put to auction without leave of the Court subject to the petitioner depositing a sum of Rs.1,00,000/- with the opposite party-Bank in two equal monthly installments, first of which shall be paid by 30th of January, 2016 and the second by 29th February, 2016.

4. At the time of hearing, learned counsel for the Bank states that the present Writ Petition has become infructuous in view of the loan accounts having been closed since 2020.

None has come present to refute the aforesaid factual position.

5. In view of the above, the Writ Petition is dismissed as infructuous.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

1st August, 2022
Cuttack