

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15508 of 2022

Abinash Guru

.... Petitioner

Mr. Lucky Mohanty, Advocate

-versus-

***Managing Director, IDBI
Bank Ltd, Mumbai, State-
Maharashtra and Others***

.... Opp. Parties

Mr. B. N. Udgata,
Advocate for the Bank

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

**ORDER (Oral)
27.07.2022**

Order No.

- 02.** 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The Petitioner claims himself to be the third son of one of the occupiers along with his owner-mother, who had mortgaged the said property as a guarantor for a loan availed by the other son-Prasanta Kumar Guru, a proprietor of M/s. Maa Sea Fish Trading & Suppliers from I.D.B.I. Bank, Khandagiri Branch, Bhubaneswar.
3. By filing the present Writ Petition, he has assailed the action of the Bank/secured creditor in taking over the actual physical possession in compliance of the

order passed under Section 14 of the SARAESI Act, 2002 by the competent authority. It is claimed that the physical possession was taken on 18th May, 2022 with the official assistance without giving any prior notice to the occupiers so as to enable them to remove the household articles.

Mr. Udgata appearing for the Bank has vehemently contested the aforesaid factual situation and submits that the forum, if any, for raising such a plea would be before the DRT.

4. In view of the factual dispute, learned counsel for the Petitioner prays for permission to withdraw the Writ Petition in order to avail the remedy in accordance with law.

5. The writ petition is accordingly dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

27th July, 2022
Cuttack