

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.23088 of 2015**

***Institute of Industrial  
Education and Training  
(IET), Sukhilahar, District-  
Mayurbhanj***

.... ***Petitioner***

Mr. K. P. Behera, Advocate

***-versus-***

***Authorized Officer, Canara  
Bank, Rairangur Branch,  
Rairangpur, District-  
Mayurbhanj & Others***

.... ***Opp. Parties***

None

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

**ORDER (Oral)  
17.11.2022**

**Order No.**

(Hybrid Mode)

- 20.** 1. Petitioner, a registered Society claims to be a tenant over a property owned by Mrs. Premalata Agrawal/O.P. No.2 by virtue of a lease deed dated 1<sup>st</sup> of May, 2008. The landlord owner/O.P. No.2 appears to have mortgaged that property as a guarantor for a loan availed by M/s. Singhal Agri Industries Pvt. Ltd./O.P. No.3 from Canara Bank. Due to financial indiscipline, the Secured Creditor/Bank appears to have initiated recovery process under the SARFAESI Act, 2002 (for short, "the Act, 2002") by issuance of a demand notice dated 9<sup>th</sup> September, 2015 under Section 13(2) of the Act, 2002 recalling an amount of Rs.12,29,75,414/- and assuming symbolic possession of the mortgaged

property under Section 13(4) of the Act, 2002 on 30<sup>th</sup> November, 2015. The petitioner being in possession of the aforesaid property has laid challenge to the notice dated 30.11.2015 (Annexure-3) assuming symbolic possession of the mortgaged/tenanted premises.

**2.** This Court while issuing notice vide order dated 4<sup>th</sup> February, 2016 granted interim protection and passed the following order:

*“Heard.*

*As an interim measure, it is directed that no coercive action shall be taken against the petitioner-institute nor the petitioner-institute shall be dispossessed from the property in question till the next date.*

*Urgent certified copy of this order be granted on proper application after filing the requisites for issuance of notice.”*

**3.** At the time of hearing, learned counsel for the petitioner states that they have no instructions on behalf of the petitioner to pursue the matter. That apart, it is well settled that the tenant has a remedy to approach the DRT in view of the amended provisions of Section 17(4-A) of the SARFAESI Act, 2002 to raise all the available plea against the threat of taking over possession *qua* the secured asset.

**4.** In view of the above, the Writ Petition stands dismissed.

**(Jaswant Singh)**  
**Judge**

**(M.S. Sahoo)**  
**Judge**