

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.24659 of 2021

Sundaram Home Finance Ltd.

Petitioner

Mr. Snehasish Ray, Advocate on behalf of

Mr. Devi Prasad Tripathy, Advocate

-versus-

***The District Magistrate-cum-
Collector, Khurda and others***

Opposite Parties

Mr. Anupam Rath,

Additional Standing Counsel for Opposite Party No.1

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER

20.04.2022

Order No.

03.

- 1.** This matter is taken up by virtual/physical mode.
- 2.** Having availed the loan facility, the Opposite Party Nos.2 and 3 have defaulted in repayment, consequent upon which the notice dated 2nd March, 2020 under Section 13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act, 2002') was issued recalling an amount of Rs.17,82,650/-. Subsequently, the symbolic possession has been assumed by the Petitioner-Finance Company by issuance of notice under Section 13(4) of Act, 2002. Since Opposite Party Nos.2 and 3 failed to liquidate the liability, the Petitioner-Finance Company in order to assume physical possession of the mortgaged property/secured asset approached Opposite Party No.1 i.e. District Magistrate-cum-Collector, Khurda on 4th January, 2021 by way of an application under Section 14 of Act, 2002 for providing assistance to secure possession of the secured asset.

3. Sine the said application under Section 14 of Act, 2002 has not been attended to within the stipulated time specified therein, the Petitioner approached this Court for issue of mandamus.

4. When the matter is called today for hearing, Mr. Snehasish Ray, appearing on behalf of Mr. Devi Prasad Tripathy, counsel for the Petitioner-Finance Comapny sought for permission to withdraw the present writ petition as the same has been rendered infructuous.

5. Accordingly, this writ petition is dismissed as infructuous.



(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Jyostna

April 20th, 2022
Cuttack