

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No.21215 of 2022**

***Priyabrata Kamal Krushna Nayak*** .... ***Petitioner***  
Mr. Partha Sarathi Das, Advocate

-versus-

***Chief Manager-cum-Authorised*** .... ***Opposite Parties***  
***Officer, Bank of India, Zonal***  
***Office, Keonjhar Zone, KSHIPUR &***  
***Others***

Mr. G.D. Kar, Advocate for Bank

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

**ORDER (Oral)**  
**26.08.2022**

**Order No.**

- 02.**
1. This matter is taken up by virtual/physical mode.
  2. The Petitioner is one of the L.Rs of Smt. Meera Nayak, stated to have died on 9<sup>th</sup> December, 2020, who had stood as a guarantor for loan availed by M/s. Emerald Interior, proprietorship concern of the other L.R.-son and also M/s. OM Furnishing, proprietorship concern of the daughter-in-law-Smt. Sima Nayak.
  3. Due to both the accounts of the principal borrowers/ Opposite Party Nos.3 & 4 having been classified as NPA on 31<sup>st</sup> March, 2021, the recovery process initiated under the SARFAESI proceedings has reached to the stage of auction of the mortgaged residential house owned by the mother-Smt. Meera Nayak on 25<sup>th</sup> August, 2021.
  4. By way of the present petition, challenge has been made by the Petitioner-son to the aforesaid sale fixed for 25<sup>th</sup> August, 2022.

At the time of hearing, Mr. G.D. Kar, counsel appearing on advance notice of the Bank states that the said auction has failed for want of any bidders. Hence, present writ petition has become infructuous.

5. Counsel for the Petitioner prays for permission to withdraw the writ petition with liberty to approach the Bank for an amicable settlement under the prevailing regular OTS Policy, if any.

6. Accordingly, the writ petition is dismissed as withdrawn with the aforesaid liberty.

Issue urgent certified copy as per rules.

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

**(M.S. Raman)**  
**Judge**

Laxmikant

August 26, 2022 Cuttack

