

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 22413 of 2022

***M/s. Dwarikamayee Bhandar &
Another***

Petitioners

Mr. K.P. Mishra, Senior Advocate
with Mr. S. Rath, Advocate

-versus-

***Collector & District Magistrate,
Khordha & Others***

Opposite Parties

None

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
08.09.2022

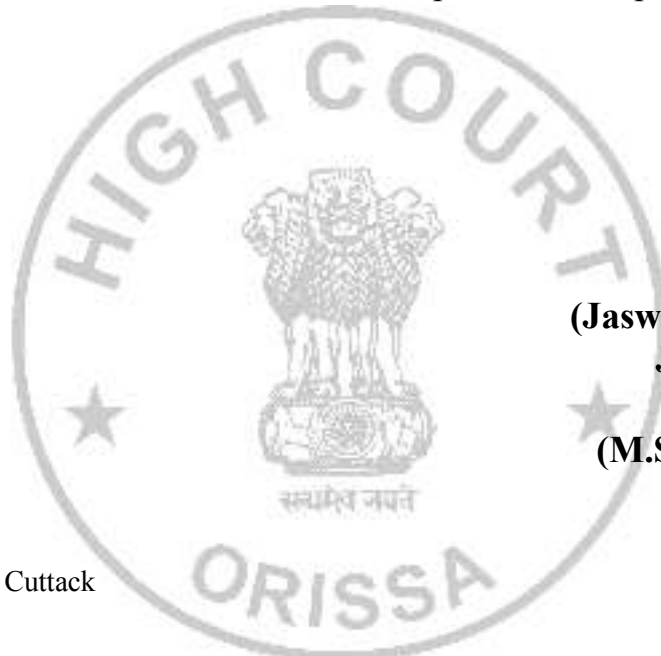
Order No.

- 01.** 1. This matter is taken up by virtual/physical mode.
2. The defaulting partnership firm and one of the partners have approached this Court assailing notice dated 28th July, 2022 (Annexure-2) issued by the Opposite Parties informing the occupant Petitioners for taking over the physical possession pursuant to the order dated 9th August, 2021 passed by the District Magistrate, Khordha in an application under Section 14 of the SARFAESI Act, 2002 filed by the secured creditor/Punjab National Bank. Further prayer is for a direction to the Bank not to proceed for taking over actual physical possession till the disposal of the application filed by the Petitioners under Section 17 of the SARFAESI Act, 2002 before the learned DRT, Cuttack challenging

the order passed by the District Magistrate, Khordha on the application under Section 14.

3. After hearing counsel for the Petitioner, we find that the present relief is to be made before the DRT in the application already filed under Section 17 of the SARFAESI Act, 2002 challenging the order of the DM. We find parallel proceedings are neither advisable nor maintainable.

4. In view of the above, the writ petition is disposed of.



(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

September 08, 2022 Cuttack