

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.23542 of 2022

Bijay Mirdha & Another

....

Petitioners

Mr. Sanjib Ray, Advocate

-versus-

***Zonal Manager, UCO Bank, Zonal
Office, Balasore & Others***

....

Opposite Parties

Mr. Sunil Swain, Advocate for Bank

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

**ORDER (Oral)
29.09.2022**

Order No.

01. This matter is taken up by virtual/physical mode.

1. The two Petitioners, namely, Bijay Mirdha and Birendra Mirdha respectively son of Gunadhar Mirdha have filed the present petition directed against the alleged illegal action of the Bank for conducting the demarcation for selling/leasing out the mortgaged joint property of the guarantor and the Petitioners.

2. After hearing counsel for the Petitioners, we find that the Petitioners are not recorded owners of any of the alleged joint property. Further, the proceedings under the SARFAESI Act concededly been initiated against the guarantor, who owned the property to the extent of their share.

It is well accepted that the sale of the joint property is only to the extent of share of the respective persons ultimately subject to partition. Thus, we find no ground to invoke the writ jurisdiction.

3. Accordingly, the writ petition is dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks

September 29, 2022 Cuttack

