

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28191 of 2022

Ranjan Kumar Sahoo

.... Petitioner

Mr. Manoj Kumar Panda, Advocate

-versus-

***State Bank of India, Banki
Branch, District-Cuttack
and Others***

.... Opp. Parties

None

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

**ORDER (Oral)
28.10.2022**

Order No.

01.

This matter is taken up through hybrid arrangement.

1. The State Bank of India, Banki Branch, District-Cuttack filed an Original Application bearing O.A. No.271 of 2011 against the defendants namely (1) Bapuni Mohanty, (2) Purusottam Padhi and (3) Pranakrishna Padhi under Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short, "the Act, 1993") seeking a issuance of Recovery Certificate to the tune of Rs.38,37,512/- together with interest, cost and other reliefs. The said application was allowed in favour of the secured creditor/Bank vide order dated 25th May, 2012. The Recovery Officer, DRT, Cuttack initiated the process of execution of the decree vide R.C. No./106/2012/CTC, wherein one of the properties owned by Sri Bapuni Mohanty, as per the land revenue record and in illegal possession of the

petitioner-Ranjan Kumar Sahoo was ordered to be got vacated through a Court Commissioner vide order dated 19th April, 2022. Hence, the present Writ Petition has been filed by the said unauthorized occupant/Ranjan Kumar Sahoo challenging the order dated 19th April, 2022.

2. At the time of hearing realizing that the aforesaid order dated 19th April, 2022 passed by the Recovery Officer is appealable before the DRT, Cuttack under Section 30 of the Act, 1993, learned counsel for the petitioner prays for permission to withdraw the present Writ Petition to avail his available remedies in accordance with law.

3. In view of the above, the present Writ Petition is dismissed as withdrawn with liberty to avail alternative remedies in accordance with law.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge