

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.28898 of 2022**

***Rajesh Kumar Sahoo***

***.... Petitioner***

Mr. Satyabrata Mohanty, Advocate

***-versus-***

***Recovery Officer, Debt  
Recovery Tribunal, Cuttack  
and Others***

***.... Opp. Parties***

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

**ORDER (Oral)  
03.11.2022**

**Order No.**

**01.**

This matter is taken up through hybrid arrangement.

1. Petitioner-Rajesh Kumar Sahoo along with his father-Debendranath Sahoo had stood as guarantors for a Cash Credit facility availed by M/s. S. Enterprise, a proprietorship concern of Nalini Bihari Mohapatra. Due to non-servicing of the account, the loan availed by the proprietorship concern was classified as NPA and recovery process initiated by the secured creditor/UCO Bank, Saheednagar Branch, Bhubaneswar by filing an Original Application bearing No.O.A.60 of 2007 before the Debts Recovery Tribunal, Cuttack, which resulted into passing of a decree dated 25<sup>th</sup> September, 2007. The property owned by the petitioner which was offered as collateral security by creation of an equitable mortgage was attached by the Recovery Officer in the

execution proceedings for realization of the decretal amount.

**2.** By filing the present Writ Petition, challenge has been laid to the order dated 29<sup>th</sup> June, 2022, whereby the Recovery Officer has ordered the decree holder in liaison with the Tahasildar, Kendrapara and the Court Commissioner to undertake a fresh and proper demarcation of the property liable to be sold towards realization of the decretal amount.

**3.** At the time of hearing, learned counsel for the petitioner is unable to refute that an alternative remedy against the order of a Recovery Officer is available under Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

**4.** At this stage, learned counsel for the petitioner prays for permission to withdraw the present Writ Petition to enable the petitioner to avail his available remedies in accordance with law.

**5.** In view of the above, the present Writ Petition stands dismissed as withdrawn with the aforesaid liberty.

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

**(M.S. Sahoo)**  
**Judge**

Sipun

3<sup>rd</sup> November, 2022,  
cuttack

