

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 35094 of 2021

Swaraj Choudhury

....

Petitioner

Mr. Nalini Kanta Dash, Advocate

-versus-

**Authorized Officer-cum-Chief
Manager, Punjab National
Bank and another**

....

Opp. Parties

Mr. Manoj Ku. Mohapatra, Advocate

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. SAHOO

ORDER (Oral)

04.02.2022

Order No.

- 01.** **1.** This matter is taken up through virtual mode.
- 2.** The petitioner-Swaraj Choudhury claims himself to be the successor in interest-LR of his mother, since deceased, who had stood as a guarantor by mortgaging her property for a loan availed by M/s. Manyata Traders (proprietorship concerned of Mrs. Minati Singh) from the Punjab National Bank.
- 3.** By filing the present writ petition, challenge has been laid to the e-auction sale notice dated 24th September, 2021, whereby the Punjab National Bank is slated to hold an auction on 28th October, 2021 of the mortgaged property as enumerated in the notice.
- 4.** At the time of hearing, Mr. M.K. Mohapatra, learned counsel appearing for the Bank on advance notice, says that for lack of any bidder, the auction fixed for 28th October, 2021 has failed and hence the present writ petition has become infructuous. He also states that the petitioner has already approached the Debts Recovery

Tribunal in respect of the previous proceeding undertaken under the SARFAESI Act, 2002.

5. In response, in the light of the auction fixed for 28th October, 2021 have been failed, learned counsel for the petitioner concedes that the present writ petition be disposed of as infructuous.

6. In view of the above, the writ petition is disposed of as infructuous.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo No.514 and 515 dated 7th January, 2022.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

February 4th, 2022
Cuttack

RRJena/GS