

HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32290 of 2022

Santosh Barik

.... Petitioner

Mr. Subrata Mishra, Advocate

-versus-

***Sr. Manager, Canara Bank,
Balasore & another***

.... Opp parties

Mr.B.N. Udgata, Advocate for Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. SAHOO

ORDER (Oral)

12.12.2022

(Hybrid Mode)

Order No.

- 3.** **1.** The petitioner is stated to be facing recovery process under the SARFAESI Act,2002, and has challenged the e-auction sale notice dated 14th October,2022 fixing the auction sale of the immovable mortgaged property, offered as collateral security, for 28th November,2022 for an outstanding liability of more than Rs.25.00 lakhs.
- 2.** At the outset, Mr. Udgata, learned counsel appearing for the Bank, upon advance notice, states that no auction was held on the said date, thereby rendering the present petition as infructuous. He further states that a fresh auction notice has been issued on 1st December,2022 now fixing the auction to 26th December,2022 for an outstanding liability of around more than Rs.26.00 lakhs. There being no pleadings qua the same, no grievance qua the same can be made in the present petition.

3. At this stage, learned counsel for the petitioner prays for permission to withdraw the present writ petition to enable his client, if so advised, to file fresh one, challenging the subsequent auction sale notice.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

Gs/Radha

12th December, 2022
Cuttack

