

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.38333 of 2021

Sri Kashinath Barik

....

Petitioner

Mr. Tuna Sahu, Advocate

-versus-

***Authorized Officer, UCO Bank,
Zonal Office & Another***

....

Opposite Parties

Mr. Sunil Kumar Swain, Advocate for Bank

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
03.08.2022

Order No.

- 05.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** The Petitioner is the defaulting borrower of a loan facility for an amount of Rs.6,00,000/- (rupees six lakhs) availed from UCO Bank, Balasore Branch on 27th August, 2005. Due to financial indiscipline, the loan was classified as NPA on 31st March, 2021. A demand notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 27th May, 2021 recalling the outstanding liability of Rs.5,82,394.73. The OTS proposal of the Petitioner was rejected by the Bank while proceeding to issue a possession notice under Section 13(4) of the Act, 2002 assuming symbolic possession of the mortgaged property.

The Petitioner has challenged the aforesaid symbolic possession notice in the present petition.

3. Counsel for the Petitioner filing a memo submits that as the Presiding Officer, DRT, Cuttack has joined office and the DRT, Cuttack is functioning fully, in such circumstances, the Petitioner may be permitted to withdraw the writ petition to enable him to avail the remedy before the DRT, Cuttack under Section 17 of the SARFAESI Act, 2002.

4. In view of the memo filed, the writ petition is dismissed as withdrawn.

Issue urgent certified copy as per rules.



(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks

August 3, 2022 Cuttack