

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 39631 of 2021

Saroj Kumar Das

....

Petitioner

Mr.Sanjit Kumar Das, Advocate

-versus-

**Branch Manager, Chandikhole
Branch**

....

Opp. Parties

None

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

**ORDER (Oral)
26.10.2022**

Order No.

- 01.** **1.** This matter is taken up through virtual mode.
- 2.** Petitioner is defaulter borrower in housing loan availed in the year 2012 from State Bank of India, Chandikhole Branch, Dist-Jajpur. Due to non-payment of instalments, the account was declared as NPA and demand notice under section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was issued on 24.07.2014. The symbolic possession of the mortgaged property as a collateral security was assumed on 23.12.2014 by issuance of a notice under section 13(4) of the SARFAESI Act. The claim of the petitioner for settling the account appears to have been directed by this Court vide order dated 22.04.2019 passed in W.P.(C) No. 6169 of 2019 without disclosing that OTS was disposed of by this Court with the direction to pay the entire outstanding in three instalments.
- 3.** The present petition has been filed challenging the action of the bank in taking over the actual physical possession.

4. At the time of hearing, learned counsel for the petitioner has filed Memo seeking unconditional withdrawal of the writ petition. Accordingly the writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

October 26th, 2022
Cuttack

dutta

