

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40032 of 2021

Smruti Ranjan Patra & Another ***Petitioners***

Mr. A. Pattanaik, Advocate

-versus-

Authorised Officer, UCO Bank, Balasore and Another ***Opp. Parties***

Mr. Sunil Kumar Swain, Advocate for the Bank

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M. S. RAMAN

ORDER (Oral)

23.03.2022

Order No.

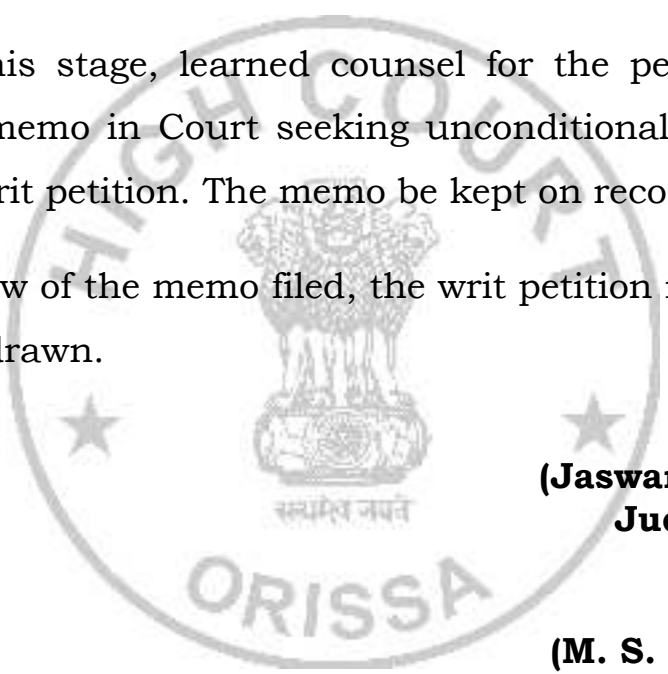
- 02.** 1. This matter is taken up through virtual/physical mode.
2. M/s. Subhashree is a proprietorship concern of petitioner No.1-Smruti Ranjan Patra, who had availed a Cash Credit and term loan for a sum of Rs.6,35,636/- from UCO Bank, Jagatsinghpur Branch on 09.10.2015 and 30.09.2020 respectively. Due to financial indiscipline, both the accounts were declared NPA on 31.03.2021. A Demand Notice under Section 13 (2) of the SARFAESI Act, 2002 (for short "the Act, 2002") was issued on 08.07.2021 and symbolic possession of the mortgaged properties was assumed on 20.11.2021 under Section 13(4) of the Act, 2002.
3. By filing the present writ petition, challenge has been laid to the possession notice dated 20.11.2021. Since after filing of the writ petition an auction notice dated

26.02.2022 was published, whereby the mortgaged properties for recovering the outstanding dues of Rs.7,20,000/- plus other charges (in both the accounts) were put to auction for 28.02.2022, further prayer for setting aside the auction was also made.

4. At the time of hearing, learned counsel for the Bank submits that the auction fixed for 28.02.2022 has failed and the challenge to the possession notice is without any legal basis.

5. At this stage, learned counsel for the petitioner has filed a memo in Court seeking unconditional withdrawal of the writ petition. The memo be kept on record.

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 In view of the memo filed, the writ petition is dismissed as withdrawn.

The seal of the High Court of Orissa is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script below it. The word 'ORISSA' is written in a semi-circle at the bottom. Two five-pointed stars are positioned on either side of the central emblem. The words 'HIGH COURT' are written in a semi-circle at the top.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

March 23rd, 2022
Cuttack

AKK