

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40414 of 2021

Hari Kishan Agarwal

....

Petitioner

Mr. M.K. Acharya, Advocate

-versus-

Union of India & others

....

Opp.parties

Mr. D.P.Sarangi, Advocate for Caveator

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S.SAHOO

ORDER (Oral)

11.11.2022

Order No.

Hybrid Mode.

2. 1. Hari Kishan Agarwal (petitioner no.1) is engaged, *inter alia* in the business of trading of mineral related items under his proprietorship concern in the name and style of M/s Krishna Enterprises. The Proprietorship concern is stated to have availed a cash credit facility on 7th November, 2013 from State Bank of India, SME branch, Rourkela, Sundargarh. To secure the loan, the petitioner nos.2 to 5 had mortgaged their immovable property as a collateral security. Due to financial indiscipline, the loan account was classified as NPA and a demand notice dated 24th April, 2014 was issued under Section 13(2) of the SARFAESI Act, 2002 recalling the outstanding liability of Rs.2,07,59,000/- plus interest due as on 24th April, 2014.
2. The challenge in the instant petition is laid to the order dated 20/29th December, 2019 passed by the District Magistrate, Sundargarh/opposite party no.4

whereby the official assistance was directed to be provided to take over actual physical possession of the mortgaged property.

3. At the outset, learned counsel for the petitioner prays for permission to withdraw the writ petition.

The writ petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

November 11th 2022
Cuttack

Gs/Radha

