

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.35716 of 2022

Jatadhari Nayak

.....

Petitioner

Mr. A.C. Mohanty, Advocate

Vs.

Authorized officer, Odisha

.....

Opposite Parties

***Gramya bank State of Odisha &
Ors.***

Mr. Tuna Sahu, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

22.12.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. A.C. Mohanty, learned counsel appearing for the petitioner and Mr. Tuna Sahu, learned counsel appearing for the opposite party.

3. The petitioner has filed this writ petition seeking to quash the notice of e-auction sale, and permit the petitioner to deposit the exact loan dues as demanded against him.

4. Mr. A.C. Mohanty, learned counsel appearing for the petitioner contended that pursuant to sale notice of immovable secured assets issued under Rule-8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002 under Annexure-2 dated 17.11.2022, a demand of Rs.34,74,125.00 has been raised against the petitioner and, as such, parties have entered into settlement with Rs.27,27,692.00, pursuant to Annexure-1 dated 23.03.2022. It is contended that the petitioner is willing to deposit the said amount, but now notice dated 16.12.2022 has been issued against the petitioner to vacate the mortgaged property peacefully along

with his domestic and personal belongings/items/articles and handover the secured assets before 16.01.2023.

5. Mr. Tuna Sahu, learned counsel appearing for the opposite party-Bank contended that as against the demanded amount of Rs.54,49,614.00, taking into consideration the amount paid, a demand of Rs.34,74,125.00 was raised against the petitioner. However, on compromise entered into between the parties the demand was reduced to Rs.27, 27,692.00, but the said amount has not been paid by the petitioner. Therefore, notice has been issued to the petitioner-mortgager.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to approach the authority to settle the dispute on acceptance of compromise amount within a stipulated time.

7. With the above observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

(B. P. SATAPATHY)
JUDGE