IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23429 of 2024

Gudla Satish …. ***Petitioner***

Mr. Gautam Mukherji, Senior Advocate along with

Ms. Ankita Mukherji, Advocate

-versus-

Collector, Koraput & others …. ***Opp. Parties***

Mr. Aurobinda Mohanty, ASC
M/s. Tuna Sahu & associates (for O.P. no.3)
Mr. Bibekananda Udgata, Advocate (for O.P. nos.4 to 6)

CORAM:
THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE S.S. MISHRA

ORDER

Order No. **12.12.2025**

11. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

M/s. Tuna Sahu and associates have entered appearance on behalf of the opposite party no.3 by filing Vakalatnama in the Court today. The Vakalatnama is taken on record.

This writ petition has been filed by the petitioner-Gudla Satish with a prayer to quash the proceeding in SA No.146 of 2023 pending before the learned Debts Recovery Tribunal, Cuttack and with a further prayer to the opposite parties nos.1 to 3 to hand over the possession of the auction property to the petitioner.

Mr. Gautam Mukherji, learned Senior Advocate along with Ms. Ankita Mukherji, learned counsel appearing for the petitioner drew the attention of this Court to the date chart and also to the averments taken in the writ petition, which shows that the Union Bank of India floated the e-auction sale notice dated 25.06.2023 and the petitioner participated in the e-auction sale, which was held on 13.07.2023 and he has been declared as the highest bidder and the bid amount of Rs.27,64,000/- has been paid. On 27.07.2023, the Sale Certificate was issued in favour of the petitioner by the bank authorities and it is stated by the learned counsel for the petitioner that the entire money as per the bid amount has been deposited with the bank.

It is stated that SA No.146 of 2023 was instituted before the learned Debts Recovery Tribunal by the borrower after issuance of the Sale Certificate on 03.10.2023 and on an application under Section 14 of the SARFAESI Act was filed by the bank before the

Collector, Koraput on 16.11.2023 for a direction to the Tahasildar to enforce the order and in which on 16.11.2023, specific order was passed by the opposite party no.1 directing the Tahasildar, Koraput to hand over the possession of the auction property to the petitioner within a week and file report of compliance. Thereafter, the Tahasildar, Koraput had issued notice to the opposite party nos.4 to 6 to vacate the building which is situated over plot No.218/1172 of Khata No.1 under Mouza Koraput Nagar in Koraput Tahasil.

It is the case of the petitioner that in spite of deposit of the entire bid amount and in spite of initiation of the proceeding under Section 14 of the SARFAESI Act and also the notices issued by the Tahasildar, Koraput, the petitioner is unable to get the possession of the auction property in view of pendency of SA No.146 of 2023, which was instituted at the instance of the opposite party nos.4 to 6.

Learned counsel for the petitioner so also learned counsel for the opposite parties made the submission that the pleadings are complete in the said SA No.146 of 2023.

Since the SA is of the year 2023 and the pleadings are complete, we direct the Debts Recovery Tribunal to expedite the hearing of the aforesaid SA No.146 of 2023 and conclude the hearing at an early

date and pass the order in accordance with law, after hearing the parties, preferably within a period of one month from the date of production of the certified copy of the order by the petitioner.

It is made clear that, we have not expressed any opinion on the merits of SA No.146 of 2023.

In view of passing of this order, the interim order passed on 12.11.2024 in I.A. No.12169 of 2024 stands vacated.

The writ petition is disposed of.

(S.K. Sahoo)
Judge

Subhasis

(S.S. Mishra)
Judge

Signature Not Verified
Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 12-Dec-2025 16:17:42