



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32191 of 2025

Prasanta Kumar Dash

..... *Petitioner (s)*

Mr. Prasanta Kumar Nanda, Adv.

-Versus-

Punjab and Sind Bank & Ors.

..... *Opposite Party(s)*

Mr. Amarjit Keshari Das, Adv.

(for O.P.2 and 3)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

18.12.2025

Order No.

04.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In filing this Writ Petition, the Petitioner has sought for a direction from this Court to the Opposite Parties/Bank to handover the possession of the immovable property in question to him as he has already deposited the required amount as has been directed by the Bank.
4. Learned counsel for the Petitioner submits that the Opposite Party No.2/Punjab and Sind Bank had floated an advertisement for sale of immovable property in question on 8th April, 2024. Pursuant to such advertisement, the Petitioner had participated in the sale proceeding which was held on 24th April, 2024 and



offered an amount of Rs.1,18,63,000/-. He further submits that the Petitioner has already deposited the EMD amount before the Bank. Since the Petitioner became the highest bidder, his offered amount has been accepted by the Bank. The Petitioner has already deposited more than 25% of the agreed amount.

5. Learned counsel for the Petitioner further contends that the sale certificate has been issued by the Bank on 10.07.2024 in favour of the Petitioner. But, the Bank did not hand over the possession of the immovable property in question.
6. Learned counsel for the Bank submits that the loanee has filed a Civil Suit vide C.S.(I) No.2069 of 2018 before the learned Civil Judge (Sr. Div.), Bhubaneswar wherein an injunction order has been passed against the Bank in I.A. No.1 of 2018 which is still continuing. Therefore, the Bank could not handover the possession of the property in question to the Petitioner.
7. Learned counsel for the Bank further contends that since the matter pertaining to SARFAESI Act and Sale Certificate has already been issued, the Civil Court has no jurisdiction to pass such order.
8. In such view of the matter and considering the submission made by the parties, this Court is of the view that since the matter pertaining to SARFAESI Act and Sale Certificate has already been issued, the learned Civil Judge (Sr. Div.), Bhubaneswar is directed



to vacate the interim stay passed in I.A. No.1 of 2018 which is unnecessary impeding the Bank to transfer the possession of the property in question to the Petitioner. Further, the Civil Court shall do well to pass an appropriate order or even it can hear the original suit and pass order within a period of one month from the date of receipt of a certified copy of this order.

9. Accordingly, the Writ Petition is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge