



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35238 of 2025

***Bank of India,
Bhubaneswar***

...

Petitioner

*Mr. Sibadutta Ramaprasad
Mishra, Advocate*

-versus-

***Collector and District
Magistrage, Khurda and
others***

.... ***Opp. Parties***

*Mr. Aurovinda Mohanty,
Addl. Standing Counsel*

*Mr. Gopabandhu Dash,
Advocate for the proforma
opposite parties nos.2 and 3*

CORAM:

HON'BLE MR. JUSTICE S.K. SAHOO

HON'BLE MR. JUSTICE S. S. MISHRA

ORDER

12.12.2025

Order No.

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

Mr. Gopabandhu Dash, learned counsel files a vakalatnama on behalf of the proforma opposite parties nos.2 and 3, which is taken on record.

Let a copy of the writ petition along with all the annexures be served on Mr. Dash, learned counsel for



the proforma opposite parties nos.2 and 3 during course of the day.

Learned counsel for the State has produced the written instruction dated 11.12.2025 of the Deputy Collector, Judicial, Collectorate, Khordha, wherein it is mentioned that Bank Misc. Case No.62 of 2024 has been instituted before the Court of Collector, Khordha pursuant to the application filed under the SARFAESI Act by the Authorised Officer, Bank of India and the case is presently at the hearing stage and the date of hearing has been fixed to 12.12.2025.

Learned counsel for the proforma opposite parties nos.2 and 3 submits that no notice under section 13(2) of the SARFAESI Act has been served on his clients and thus, they did not get any opportunity to file their response in accordance with law and therefore, the initiation of proceeding under section 14 of the SARFAESI Act before the Collector and District Magistrate, Khordha is not justified. However, learned counsel for the petitioner controverted the same.

Learned counsel for the proforma opposite parties nos.2 and 3 files a memo, which is taken on record.

List this matter on 17.12.2025 indicating the name of Mr. Gopabandhu Dash, learned counsel for the proforma opposite parties nos.2 and 3 in the cause list as well as at the top of the brief.



Learned counsel for the petitioner shall apprise this Court on the next date about the service of notice on the proforma opposite parties nos.2 and 3 in accordance with law in view of the averments made in paragraph-8 of the writ petition, wherein it is mentioned as under:-

"8. That, the notice as required by the provisions of Sub-section (2) of Section-13 of the SARFAESI Act, 2002 the Bank sent Demand Notice demanding payment of the defaulted financial assistance within 60 days vide above Notice dtd.08.05.2024, but the said Proforma Opp. Party No.3 along with the failed to pay back the loan dues."

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

RKM