



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30559 of 2025

CNR No. ODHC010772362025

Sushama Kumari Jena

....

Petitioners

Mr. B. Bhuyan, Senior Advocate

-versus-

Recovery Officer, Choramandalam

....

Opposite Parties

Investment and Finance Co. Ltd.,

Bomikhal, Bhubaneswar and others

Mr. S.N. Nayak, A.S.C.

Mr. R.K. Rout, Advocate for O.P. No.1

Mr. M.A.R. Khan, Advocate for O.P. No.4

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

13.08.2026

Order No.

09.

1. Heard Mr. B. Bhuyan, learned Senior Counsel for the Petitioner, Mr. R.K. Rout, learned counsel for Opposite Party No.1, Mr. S.N. Nayak, learned Additional Standing Counsel for State-Opposite Parties 2 & 5 and Mr. M.A.R. Khan, learned counsel for Opposite Party No.4.

2. In course of hearing, Mr. R.K. Rout, learned counsel for Opposite Party No.1 submits that he has no objection if the prayer of the Petitioner in entirety is allowed, and files a memo to that effect.

3. The Petitioner has prayed as follows:-

“1. Allow the present writ petition and set aside the impugned order dated 16.08.2024 vide Annexure- 1, passed by the Ld. CJM, Khurda in MC No-243 of 2023



to the extent it affects the non-mortgaged property of the petitioner.

2. Declare that Plot No. A/31 (Petitioner's portion) was never mortgaged and is not liable for possession under Section 14 of Sarfaesi Act 2002.

3. Direct the Bank to demarcate and restrict possession strictly to mortgaged property.

4. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

4. In view of the concession rendered by Opposite Party No.1, who is the main contesting party, the prayer of the Petitioner as stated above is allowed against the Opposite Party No.1.

5. Accordingly, it is declared that the impugned order of learned Chief Judicial Magistrate, Khurda dated 16.08.2024 at Annexure-1, passed in Misc. Case No.243 of 2023, does not affect the property of the Petitioner situating over Plot No.A/31 and the same is not liable to be possessed by Opposite Party No.1-Bank as the same was never mortgaged to the Bank. Said G.A. Plot No.A/31 corresponds to Revenue Plot No.2535, Drawing No.C/3654 measuring area Ac.0.101 decimals (55' x 80' = 4400 Sq. Ft.) in Khata No.1593/1004 of mouza-Bhubaneswar Sahar, Laxmisagar-1 (Unit-30).

6. Accordingly, Opposite Party No.1-Bank is directed to demarcate Plot No.A/31 within a period of two weeks from today



in presence of the Petitioner and local Police. Opposite Party No.2, i.e. the DCP, Bhubaneswar is directed to render necessary Police assistance at the time of demarcation.

7. Since the prayer is allowed in respect of Opposite Party No.1-Bank, who is the main contesting party, the writ petition no more survives against other Opposite Parties.

8. With aforesaid observation and direction, the writ petition is disposed of.

9. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge