



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22290 of 2026

Sahu Trust, represented through its Petitioner
Managing Trustee Rajarshi
Gyanadarshi

Represented by Adv.–
Mr. Prafulla Kumar Rath, Senior Advocate
Mr. P.K. Satapathy, Advocate

-Versus-

Orissa Rural Housing & Development Opposite Parties
Corporation Ltd. and another

Represented by Adv.–
Mr. A. Parida, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE CHITTARANJAN DASH

Order No.

ORDER
21.07.2026

01. 1. Despite having approached the Debt Recovery Tribunal (DRT), Cuttack under Section 17 of the SARFAESI Act, 2002 raising all objections which the petitioner perceived would clinch an issue, the instant writ petition is filed seeking to arrest the auction sale proceeding in pursuance of the sale notice dated 19th June, 2026.



2. So far as the functioning of the DRT is concerned, it is submitted by Mr. Prafulla Kumar Rath, learned Senior Advocate that the Presiding Officer is on leave and there is no other remedy available to the petitioner, but to approach this Court under Article 226 of the Constitution of India.

3. We are conscious of the proposition of law that the power enshrined under Article 226 of the Constitution of India comes within the ambit of a basic structure and the same is to be exercised by the High Court in the event the situation so warrants. A distinction is real between the maintainability of a writ proceeding and the entertainability thereof. A person cannot be rendered remediless and in the event the forum is not put in place, there is no absolute embargo in entertaining the writ petition.

4. In the midst of the hearing, it is brought to our notice that the Presiding Officer shall join the DRT tomorrow and such fact reveals that the DRT would be made functional. Since the grievance raised in the instant writ petition is of emergent nature requiring an adjudication for an immediate interim relief, we, thus, feel that once the Presiding Officer would assume the charge, it is proper that the



petitioner should be permitted to renew the prayer before the said forum.

5. We, therefore, permit the petitioner to mention the matter before the Presiding Officer, DRT tomorrow for taking up the interlocutory application filed in connection with the proceeding under Section 17 of the SARFAESI Act, 2002 and the moment the mentioning is done, we expect that the Presiding Officer will take up the said application on the same date and shall pass the order as the circumstances so warrant in accordance with law.

6. With these observations, the writ petition stands disposed of.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Guin/PA