

Court No. - 6

Case :- WRIT - C No. - 23750 of 2023

Petitioner :- Purshottam Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rakesh Prasad

Counsel for Respondent :- C.S.C., Vivek Kumar Rai

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Rakesh Prasad, learned counsel for the petitioner, Mr. Vivek Kumar Rai, learned counsel for respondent-Bank and learned Standing Counsel for the State-respondents.

The writ petition has been filed with a prayer to quash the proceedings initiated by respondent-Bank and the impugned auction notice dated 22.02.2023 as published in the newspaper on 04.05.2023 for recovery of Rs.1,63,003/- and further prayer to provide the benefit of Agricultural Debt Waiver and Debt Relief Scheme 2008 as framed by the Central Government and to decide the representation of the petitioner as moved for redressal of his grievance.

Brief facts of the case are; the petitioner took an agricultural loan under the Direct Agricultural Activities for Horticulture on 27.08.2010. The petitioner deposited Rs.6925/- towards the loan liability on 30.08.2010, 12.11.2010 and 25.01.2019. Some waiver scheme was floated in the year 2012-13, benefit of which was claimed by the petitioner. In this regard, he moved a

representation before respondent no.3 to give benefit to the aforesaid scheme. The respondent-Bank, without considering the aforesaid application, issued auction notice dated 22.02.2023, which has been published on 04.05.2023, therefore, the present petition has been filed.

Learned counsel for the petitioner submits that the auction notice has been illegally issued without taking into consideration the government order dated 17.12.2007, according to which the property less than 3.125 acres cannot be auctioned. He next submits that the representation has been given by the petitioner for redressal of his grievance regarding the aforesaid fact as well as request for giving benefit under the waiver scheme, which has not been considered till date, therefore, a direction may be issued to the respondent-Bank to decide the claim of the petitioner in the light of the government order as well as the waiver scheme.

Learned counsel for respondent-Bank submits that no proceedings are initiated for auctioning the property in question in view of the auction notice dated 22.02.2023 and no fresh publication has been done to issue fresh notices and auction the property in question.

In view of the above facts and circumstance of the case, it is permitted that the petitioner shall file a fresh representation/application, ventilating all his grievances, before the respondent no.3 Branch Manager, Uttar Pradesh Sahkari Gram Vikas Bank Limited, Branch Meja,

Prayagraj, within two weeks from today along with a certified copy of this order. On such representation being made, respondent no.3 shall make all endeavours to consider and decide the same, in accordance with law, by means of a reasoned and speaking order, as expeditiously as possible, from the date of production of certified copy of this order, if there is no legal impediment.

With the aforesaid observations, the writ petition is **disposed off.**

It is made clear that the Court is not granting any interim order in favour of the petitioner. In case, no such representation/application is filed within stipulated period, it is open to the authorities concerned to proceed in accordance with law.

Order Date :- 26.10.2023

Rahul.