

Court No. - 6

Case :- WRIT - C No. - 27651 of 2023

Petitioner :- Sanjeev Kumar Verma

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

Counsel for Petitioner :- Anamika Singh, Jitendra Pal Singh, Pradeep Kumar Singh

Counsel for Respondent :- C.S.C., Manoj Nigam

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Ms. Anamika Singh, learned counsel for the petitioner, Mr. Manoj Nigam, learned counsel for the respondent-Bank and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner with the following prayer:-

"(i) issue a writ, order or direction in the nature of certiorari quashing the impugned notice dated 27.07.2023 issued by the respondent no.4 of amounting Rs.3,80,529/- and impugned citation dated 12.02.2021 issued by respondent no.2 amounting Rs.2,18,615/-.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondents not to recover the amount from the petitioner by adopting any coercive method and also not to pay any coercive action against the petitioner.

(iii) issue a writ, order or direction in the nature of mandamus directing the respondents not to attached any movable or immovable property of the petitioners in pursuance of the recovery citation issued by the respondent nos.2&3.

(iv) issue a writ, order or direction in the nature of mandamus directing the respondents to accept the loan amount in easy installments as fixed by this Hon'ble Court."

On 25.08.2023, the following order was passed:-

"Heard Ms. Anamika Singh, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Mr. Manoj Nigam, learned counsel for respondent-Bank.

Learned counsel for the petitioner submits that petitioner's father took a loan of Rs.98,000/- in the year 2011 for agricultural purpose. She further submits that petitioner's father died due to Covid on 20.10.2022, after which without following the proper procedure and giving any notice to the petitioner, the

impugned notice dated 27.07.2023 has been issued against the petitioner to recover the outstanding dues towards the loan as taken by petitioner's father.

Learned counsel for respondent-Bank prays for and is granted ten days' time to obtain instructions in the matter, as to when, notice has been given to the petitioner informing him about the loan dues as taken by his father, who is now deceased.

Put up as fresh on 11.09.2023.

Till then, no coercive action shall be taken against the petitioner."

Today, on the basis of instructions, learned counsel for the respondent-Bank submits that the legal heirs of the borrower are entitled for benefits under scheme wherein 75% rebate is being given accordingly. He further submits that after calculating the amount, afresh notice has been given to the petitioner.

Counsel for the parties agree that the writ petition may be disposed of finally at this stage without calling for a counter affidavit specifically in view of the order proposed to be passed today.

In view of the above, this writ petition is disposed of with a direction that in case the petitioner files application before the respondent-bank requesting for redressal of his grievance, within two weeks from today alongwith a certified copy of this order, the respondent-Bank shall decide the same, after calculating the amount after giving benefit of the said scheme, in accordance with law, by a reasoned and speaking order, preferably within a period of two months from the date of production of a certified copy of this order.

Accordingly, the impugned notice dated 27.07.2023 is **quashed**. It is open to the respondent-Bank to issue afresh notice to the petitioner after calculating the amount as per the said scheme.

Order Date :- 19.10.2023

Jitendra/-