

Court No. - 5

Case :- WRIT - C No. - 29662 of 2023

Petitioner :- Haribansh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- K.C. Mishra

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

Hon'ble Piyush Agrawal,J.

This writ petition has been filed for the following relief;

"a) Issue a writ, order or direction in the nature of Certiorari to quash the impugned order dated 17.5.2023 passed by respondent no.2 (Contained as annexure No.6 to this writ petition) whereby directed to ensure the auctioned Notice cum order dated 10.10.2019 passed by respondent no.3 (Contained as Annexure No.3 to this writ petition) whereby the outstanding amount disclosed and the entire bhumidhari lands of petitioner has been demonstrated for auctioned.

b) Issue a writ, order or direction in the nature of mandamus commanding to respondent no.3 to pass de novo order in the ends of justice after subtracting deposited earlier amount otherwise; petitioner shall have to sustain an irreparable loss and injury which cannot be compensated in any manner."

Heard learned counsel for the petitioner, Standing Counsel for State and Sri Manoj Nigam, counsel for respondent-Bank.

After hearing the parties for sometime, learned counsel for the petitioners submits that he is ready and willing to pay the outstanding amount amount in easy installments within the time fixed by this Court to respondent no.2.

Learned counsel for respondent-bank states that the anxiety of the Bank is that the entire amount should be realized and has no objection if the installments are fixed in the matter by this Court.

Accordingly, this writ petition is disposed of with the following directions:

(i) The petitioner shall deposit the entire amount due to the Bank in **four bimonthly installments**.

(ii) Petitioner shall deposit a sum of Rs. 1,00,000/- within one month from today. Thereafter the balance amount shall be

deposited in four equal installments at the interval of two months, respectively. The installments shall be deposited in first week of respective calendar month.

(iii) Petitioner may file an application for supply of statement of account along with the duly stamped self addressed envelope. In case any such application is filed, the concerned Bank will give the same to the petitioner after deposit of the first installment within fifteen days and in calculating the arrears, the amount (if any) already paid will be adjusted.

(iv) If the entire amount is deposited by the petitioner as directed above, no recovery charges shall be realized from the petitioner.

(v) Recovery proceedings during this period shall remain in abeyance. In case petitioner commits default in depositing any of the aforesaid installments within the stipulated period of time, it will be open to the respondents to start the recovery proceedings again by taking coercive process.

(vi) If any fact stated by the petitioner is found to be incorrect, it will be open for the authorities to move an application for modification/recall of the order.

With this observation and direction, the writ petition stands finally **disposed of.**

Order Date :- 6.11.2023

Pravesh Mishra