

Court No. - 3

Case :- WRIT - C No. - 37455 of 2023

Petitioner :- Smt.Veermati And Another

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Anand Prakash Paul,Brij Bhushan Paul

Counsel for Respondent :- CSC,Anadi Krishna Narayana

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

1. The petitioners for the very same relief for which they have filed the instant writ petition had filed an earlier writ petition being Writ -C No. 16212 of 2023, (Mr Mool Chand And Another vs. Bank Of Baroda And Another) in which the following order was passed on 12.05.2023:-

"1.The petitioners have challenged the notice dated 17.4.2023 issued by the respondent-Bank in exercise of its power under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Counsel for the petitioners submits that the petitioners are ready to deposit the entire outstanding amount alongwith interest in easy instalments.

3. Counsel for the respondent-Bank Sri Anadi Krishna Narayana has no objection to the same.

4. Accordingly and with consent of learned counsel for the parties, the petition is disposed of as follows :-

(a)The petitioners will deposit 10% of the total outstanding amount by 31st May, 2023. Upon deposit of the said amount, the respondent-bank will issue statement of account to the petitioner in respect of all the accounts which are in default, within next one week.

(b) The petitioners will deposit the remaining amount as per statement of account, in two equal three monthly instalment, so that the entire liability is cleared within six months.

5. In case of default, the aforesaid arrangement will stand

discharged automatically and it shall become open to the respondent-Bank to proceed further in the matter in accordance with law."

Learned counsel for the petitioners now before us has raised another question which he states goes to the root of the matter and that he submits that the Securitization proceeding under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 could not have been initiated against the petitioners as the land / security was an agricultural land.

2. Learned counsel for the Bank Sri Anadi Krishna Narayana, however, states that it was open to the petitioners to have raised this ground in the earlier writ petition being Writ C No. 16212 of 2023. Since the petitioners had not raised/pressed this ground at the relevant point of time in the earlier writ petition he was now estopped from passing the same in this writ petition.

3. We find substance in the argument of the learned counsel for the Bank.

4. The writ petition is, accordingly, dismissed.

Order Date :- 31.10.2023

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