

Court No. - 6

Case :- WRIT - C No. - 32767 of 2023

Petitioner :- Ram Svarup

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

Counsel for Petitioner :- Raj Narayan

Counsel for Respondent :- C.S.C., Anadi Krishna Narayana

Hon'ble Mrs. Manju Rani Chauhan, J.

The present writ petition has been filed with a prayer to direct the respondents not to take any coercive action against the petitioner pursuant to recovery citation issued by respondent no.3.

On 31.10.2023, this Court passed the following order:

"Heard learned counsel for the petitioner and learned counsel for the respondent-bank.

On the basis of instruction learned counsel for respondent-bank Mr. Sailesh Kumar Pandey states that the petitioner has not taken any loan from his bank.

Counsel for the petitioner submits that despite the aforesaid fact the Tehsildar alongwith few other persons lifted the petitioner from his house and kept him in Tehsil Havalat for about two days and after depositing Rs. 20,000/-, the applicant has been released from the Tehsil Havalat.

In view of the above, let the Tehsildar, Tehsil Gunnaur, District Sambhal be present before this Court on the next date to explain under which authority the petitioner was lifted from his house when there is no recovery certificate in this regard.

Put up this matter as fresh on 8th November, 2023.

Registrar (Compliance) shall communicate this order to the learned Chief Standing counsel, forthwith, to ensure compliance of this Court."

In compliance of the aforesaid order, Sri Ravi Sonkar, Tehsildar, Tehsil Gunnaur, District Sambhal is present before this Court. He has filed his personal affidavit, wherein it has been stated that the allegations as made against him regarding lifting the petitioner from his house and keeping him in havalat are incorrect. It has also been stated in Paragraph No. 9 of the Personal Affidavit that after the enquiry it has been found that the petitioner has taken loan from U.P. Sahkari Gram Vikas

Bank Ltd. and not from the Bank of Baroda, and no recovery citation has been issued by any Bank against him, therefore, there was no occasion of lifting the petitioner or sending any team for recovering loan amount.

On the basis of instructions, learned counsel appearing for the respondent Bank submits that no loan has been taken by the petitioner from his Bank, i.e., Bank of Baroda, Branch Gunnaur, District Sambhal.

From the above, it transpires that no recovery certificate has been issued against the petitioner by any Bank including Bank of Baroda, arrayed as respondent no. 4, therefore, nothing remains and the writ petition has become infructuous.

In view of the above, the writ petition stands dismissed.

No order as to costs.

Order Date :- 8.11.2023

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