

Court No. - 6

Case :- WRIT - C No. - 34383 of 2023

Petitioner :- Keshav Prasad (Deceased) And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Vinod Kumar Shukla, Rakesh Kumar Pandey

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

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Alok Krishna Tripathi, Advocate holding brief of Mr. V.K. Shukla, learned counsel for the petitioner, Mr. Vivek Kumar Rai, learned counsel for respondent-Bank and learned Standing Counsel for the State-respondents.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage without calling for a counter affidavit.

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

"(i) to issue a writ, order or direction in the nature of certiorari calling for the records and quashing the impugned auction notice dated 09.08.2023 published in NEWS paper at serial no.16 of khata no.78/79 area 1.851 hectare, issued by respondent no.4 for the recovery of Rs.8,41,574/-.

(ii) to issue a writ, order of direction in the nature of mandamus directing the respondent no.3 to give an opportunity to pay the due loan in easy installments and not adopt any coercive method auction notice dated 9.8.2023 published in NEWS paper.

....."

Learned counsel for the petitioner submits that the father of petitioner no.2 had taken a loan of Rs.3,00,000/- from the respondent-Bank for agricultural purpose in the year 2009. Father of petitioner no.2 died on 03.08.2018, therefore, there being default in payment of the loan amount, auction notice dated 09.08.2023 has been issued. The petitioner is ready and willing to deposit the entire loan amount in easy installments.

Learned counsel for the respondent-Bank on the basis of instructions submits that in such cases where the borrower has died, his legal heirs are given the benefit of O.T.S. Scheme, wherein 50% rebate in the interest part is given to the legal heirs.

In view of the above, it is provided that the petitioner shall move an application before the respondent no.4-Bank, within 15 days from today along with Rs.50,000/- and a certified copy of this order. In case, such an application is being moved along with the aforesaid amount, respondent no.4 shall make all endeavours to consider and decide the same, in accordance with law and pass an appropriate order, preferably within a period of **one month** thereafter.

Till final order is passed by respondent-Bank, no coercive action shall be taken against the petitioner pursuant to the auction notice dated 09.08.2023.

Needless to say that in case the petitioner does not approach the Bank along with the amount as directed, within stipulated period, it is open to the authorities concerned to proceed in accordance with law.

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

Order Date :- 8.11.2023

Kalp Nath Singh