

Court No. - 6

Case :- WRIT - C No. - 34492 of 2023

Petitioner :- Pushpraj @ Pushpraj Pal

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

Counsel for Petitioner :- Suresh Chandra

Counsel for Respondent :- C.S.C., Sanjai Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Suresh Chandra, learned counsel for the petitioner, Mr. Sanjai Singh, learned counsel for respondent-Bank and learned Standing Counsel for the State-respondents.

The writ petition has been filed with a prayer to quash the impugned auction notice dated 23.09.2023 issued by Tehsildar, Tehsil Math, District Mathura, which is published in daily newspaper dated 24.09.2023 for recovery of amount of Rs.7.16 lacs, with a further prayer to direct the respondent nos.2 to 5 not to take any coercive steps against the petitioner in pursuance to the impugned auction notice.

Learned counsel for the petitioner submits that petitioner had taken agricultural loan of Rs.1,75,000/- on his property, from respondent no.4. He could not deposit the installments due to financial difficulty. The respondent no.5 issued demand notice dated 25.09.2017 for recovering the amount of Rs.3,72,489/-. The petitioner deposited Rs.10,000/- before respondent no.5 on 18.06.2019. He given the amount of Rs.55,000/- to the Amin, namely, Mohan Singh on 28.02.2020, but the aforesaid amount was not deposited by the Amin, before the Bank. The respondent no.4 published auction notice on 23.09.2023 for recovering the amount of Rs.7.16 lacs without adjusting the amount of Rs.55,000/- given to the Amin by the petitioner. In this regard, an application

has been given before the authorities concerned but no action has been taken till date.

On the basis of instructions, learned counsel for respondent-Bank submits that the statement of account has been provided to the petitioner mentioning that amount of Rs.7,15,303/- is outstanding towards the loan as on 30.09.2023.

Learned counsel for the petitioner submits that as the amount of Rs.55,000/- has not been adjusted, he may be granted time to move an application before the respondent-Bank for redressal of his grievance.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

Considering the facts and circumstance of the case, it is permitted that the petitioner shall file a fresh representation/application, ventilating all his grievances, before the respondent-Bank, within two weeks from today along with a certified copy of this order. On such representation being moved, the respondent-Bank shall make all endeavours to consider and decide the same and needful may be done, in accordance with law, after giving opportunity of hearing to the petitioner, by means of a reasoned and speaking order, as expeditiously as possible, from the date of production of certified copy of this order, if there is no legal impediment.

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

Needless to say that the Court has not granted any positive order in favour of the petitioner.

Order Date :- 27.10.2023/Rahul.