Court No. - 6

Case :- WRIT - C No. - 34856 of 2023

Petitioner :- Mukesh Kumar
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- D.S. Mani Tripathi,R.P. Mishra
Counsel for Respondent :- C.S.C.,Manoj Nigam

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the petitioner and Ms. Akhansha Tripathi, Advocate holding brief of Mr. Manoj Nigam, learned counsel for the respondent-Bank.

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.

The present petition has been filed with the following prayers:

"(i) issue a writ, order or direction, in the nature of certiorari quashing the notice of auction issued by the respondent no. 4 (Annexure No. 2 to the writ petition).

(ii) issue a writ, order or direction, in the nature of mandamus commanding the respondent no. 3 to accept the outstanding loan amount against the petitioner in easy installments from the petitioner.

(iii) ....."

Learned counsel for the petitioner submits that the petitioner took a loan of Rs. 98,000/- in the year 2013 from the concerned Bank but due to some personal difficulty he could not maintain the regular payment of installments, therefore, on 24.08.2023 a notice was published in NEWS paper for auction of the land of the petitioner for recovery of Rs. 2,87,000/-.

Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the entire recovery amount within the time fixed by this Court.

On the basis of instructions, learned counsel appearing for the

bank submits that Rs. 2,97,000/- is outstanding as per the account statement provided by the bank. He fairly states that the Bank is interested in realizing the entire amount alongwith interest and if the petitioner deposits the amount within the time granted by this Court, no further action shall be taken against the him by the Bank.

Considering the facts and circumstances of the case and in the interest of justice, the present writ petition is disposed off with the following directions:-

(i) Petitioner shall deposit a sum of Rs. 25,000/- within one month from today. Thereafter the entire balance amount shall be deposited in six equal quarterly installments.

(ii) The installments shall be deposited in first week of respective calendar month.

(iii) Recovery proceedings during this period will be kept in abeyance. In case petitioner commits default in depositing any of the installments within the above stipulated time, it will be open to the respondents to start recovery proceedings again by taking coercive process to which the petitioner undertakes not to challenge.

(iv) 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 branch of the Bank will give the same to the petitioner within fifteen days from the date of deposit of the first installment and in calculating the arrears, the amount (if any) already paid be adjusted.

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

(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.

Order Date :- 18.10.2023
Arti

Digitally signed by :-
ARTI SHARMA
High Court of Judicature at Allahabad