

Court No. - 6

Case :- WRIT - C No. - 35428 of 2023

Petitioner :- Ramlal Mishra

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

Counsel for Petitioner :- Awadesh Tiwari, Gunjan Tiwari

Counsel for Respondent :- CSC, Vivek Kumar Rai

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Awadesh Tiwari, 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) Issue a writ, order or direction in the nature of certiorari quashing the impugned recovery citation dated 23.05.2023 (Annexure no.2) issued by respondent no.3, Recovery Officer, Cooperative Societies U.P. Ballia/Additional District Cooperative Officer, Bansdeeh, District-Ballia.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to not take coercive action against the petitioner in view of the impugned recovery citation dated 23.05.2023 issued by respondent no.3.

(iii) Issue a writ, order or direction in the nature of mandamus directing the respondents to receive the principal amount of loan after being deducted the interest as well as recovery charges imposed against the petitioner, in easy installment.

....."

Learned counsel for the petitioner submits that the petitioner had taken loan of Rs.90,000/- from the respondent-Bank, for agricultural purposes in the year 2010. He has paid the installments of the loan amount from time to time, but due to some personal difficulty he could not deposit few installments, therefore, recovery citation dated 23.05.2023 amounting to Rs.3,75,380/- along with interest has been issued against him. Learned counsel for the petitioner further submits that the petitioner is ready and willing to deposit the entire recovery amount within the time fixed by this Court.

Learned counsel appearing for the Bank fairly states that the Bank is interested in realizing the entire amount alongwith interest and if the petitioner deposit the amount within the time granted by this Court, no further action shall be taken against them 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.50,000/- of the amount on or before 8th December, 2023. Thereafter, the entire balance amount shall be deposited in **ten equal quarterly installments**.

(ii) The petitioner will also be at liberty to move an application regarding waiver of some loan amount on the ground of mercy which shall be open to the bank authorities to consider the same.

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

(iv) Recovery proceedings during this period will be kept in abeyance. In case petitioner commit 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 undertake not to challenge.

(v) 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.

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

(vii) 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 :- 7.11.2023
Kalp Nath Singh