

Court No. - 6

Case :- WRIT - C No. - 35209 of 2023

Petitioner :- Shiv Singh

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

Counsel for Petitioner :- Shree Ram Pd Gupta, Abha Gupta

Counsel for Respondent :- C.S.C., Abhishek Sharma

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondent and Sri Abhishek Sharma, learned counsel for respondent no. 3 to 5.

This writ petition has been filed with a prayer to quash the impugned auction sale notice dated 21.09.2023 and further prayed to direct the respondent nos. 4 and 5 to provide the copy of the ledger of petitioner account no. SD8/84 with current status categorically showing the sum borrowed and the amount of the interest with rate and the scheduled of installments.

Learned counsel for the petitioner submits that he took a loan of Rs. 60,000/- in the year 2011 for agricultural purpose from the concerned Bank but due to some personal difficulty he could not maintain the regular payment of installments, therefore, Recovery Auction Notice has been issued which is challenged by the petitioner. He further submits that the petitioner has not been given the benefit of scheme under the State Govt. ऋण मोचन योजना wherein remission has to be granted to the poor persons who are small land holders having land less than 3.125 acres. The petitioner is a small land holder, therefore, he is entitled for the said scheme. In this regard, the petitioner is ready and willing to pay the amount in installment after grant of remission under the State Govt. ऋण मोचन योजना.

Learned counsel for the respondent-Bank submits he has no objection in case the petitioner moves an application before the respondent-Bank for redressal of his grievance, the respondent-Bank may consider the request of the petitioner in accordance with law.

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

With the consent of parties, without entering into merits of the case, this writ petition is finally disposed of with a direction to the petitioner to make a fresh application before respondent no. 4 within two weeks from today along with a certified copy of this order and, if any such representation/application is made, the same shall be decided, in accordance with law, preferably within a period of one month from the date of production of a certified copy of this order, if there is no other legal impediment.

For a period of two months, no coercive action shall be taken against the petitioner.

Order Date :- 18.10.2023

Arti