

Court No. - 6

Case :- WRIT - C No. - 35596 of 2023

Petitioner :- Narendra Kumar Rai

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vishwa Pratap Singh

Counsel for Respondent :- C.S.C.,Habib Ahmad

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the petitioner, Mr. Habib Ahmad, learned counsel for respondent-bank and learned Standing Counsel for the State-respondent.

The present writ petition has been filed with a prayer to quash the citation to appear dated 09.01.2020 issued by Tahsildar, Tahsil Sagri, District Azamgarh and attachment order dated 21.09.2023 passed by Sub Divisional Magistrate Sagri District Azamgarh by which 1/6 share of the plot no. 961 area 1.0850 hectare situated at Village Barji Tahsil Sagri, District Azamgarh further prayed to direct the respondent bank to issue a no dues certificate to the petitioner in A/c No. 50283657073.

Learned counsel for the petitioner submits that the petitioner had taken a KCC loan of Rs. 2,90,000/- as a crop loan on 11.06.2015. The entire crop was insured under Prime Minister Fasal Bima Yojna Uttar Pradesh. He further submits that attachment order has been passed without giving benefit of the aforesaid scheme. There was another waiver scheme for which the petitioner was entitled but the benefit of the same has not been given to the petitioner.

The counsel for the respondent bank on the other hand submits that the on the basis of instruction as received the petitioner had taken a KCC loan of Rs. Four Lacks. He is not entitled for the waiver scheme as the benefit of the same was meant for persons whose land was less than 2 acre which is not the case of the petitioner. As regards the Prime Minister Fasal Bima Yojana, Uttar pradesh, the petitioner has not suffered any loss and, therefore, he is not entitled for the aforesaid. Therefore, no interference is required in the case of the petitioner.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage with a direction

that in case the petitioner approaches the Bank within two weeks by means of filing a representation, the respondent-bank may look into the matter and do the needful within one month.

Needless to say no interim order has been passed.

In case no representation has been moved by the petitioner, it is open to the authorities concerned to proceed in accordance with law.

Order Date :- 23.11.2023

Arti