

Court No. - 6

Case :- WRIT - C No. - 36881 of 2023

Petitioner :- Gyan Prakash Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ajay Singh

Counsel for Respondent :- C.S.C., Amrish Sahai

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Ajay Singh, learned counsel for the petitioner, Mr. Amrish Sahai, 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.

The present petition has been filed with a prayer to quash the impugned auction notice dated 01.07.2023 as well as impugned attachment order dated 27.08.2023 passed by respondent no.2, with a further prayer to release attached agricultural land of petitioner, which was attached by order dated 27.08.2023, and further prayer to direct the authorities to accept the loan liability in easy installments and not to recover the collection charges from the petitioner.

Learned counsel for the petitioner submits that the petitioner had taken a loan of Rs.2,00,000/- under the Kisan Credit Card (KCC) and also taken agricultural loan of Rs.3,00,000/-, in the year 2010, from Kashi Gomti Sanyukta Kshetriya Gramin Bank, Kasimabad, Ghazipur. The petitioner has deposited the total loan amount of Rs.1,05,000/- for the aforesaid loans. Due to crop damage, the

petitioner could not deposit the rest outstanding towards loan, therefore, without any notice and providing any statement of account, the auction notice dated 01.07.2023 has been issued demanding the loan amount of Rs.4,86,974/-. Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the outstanding towards loan in easy installments 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 deposits the amount within the time granted by this Court, no further action shall be taken against the him by the Bank. He submits that the statement of account will be provided to petitioner within one month.

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/- of the amount on or before 05th December, 2023. 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 :- 27.10.2023

Rahul.