

Court No. - 6

Case :- WRIT - C No. - 38568 of 2023

Petitioner :- Surendra Kumar

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

Counsel for Petitioner :- Anamika Singh, Jitendra Pal Singh, Pradeep Kumar Singh

Counsel for Respondent :- C.S.C., Manoj Nigam

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Vishwajeet Singh, Advocate holding brief of Mr. Jitendra Pal Singh, learned counsel for the petitioner, Mr. Manoj Nigam, learned counsel for respondent no.4-Bank and learned Standing Counsel for 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 by the petitioner with the following prayer :-

"(i) issue a writ, order or direction in nature of certiorari quashing the impugned undated recovery citation issued by respondent No.3 amounting Rs.3,13,416/-, (annexure no.2 to this writ petition).

(ii) Issue a writ order or direction in the nature of mandamus directing the respondents not to recover the amount from the petitioner by adopting any coercive method and also not to take coercive action against the petitioner.

(iii) Issue a writ order or direction in the nature of mandamus directing the respondents not to attached any movable or immovable property of the petitioners in pursuance of the recovery citation issued by the respondent No.3.

(iv) Issue a writ order or direction in the nature of mandamus directing the respondents to accept the loan amount in easy installments as fixed by this Hon'ble Court.

....."

Learned counsel for the petitioner submits that the petitioner had taken an agricultural loan of Rs.1,50,000/- from the respondent-Bank, for establishing a poultry farm. 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. 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 28th December 2023. Thereafter, the entire balance amount shall be deposited in **twelve equal monthly 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 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.

(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 :- 28.11.2023
Kalp Nath Singh