

Court No. - 6

Case :- WRIT - C No. - 39218 of 2023

Petitioner :- Smt. Usha

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

Counsel for Petitioner :- Kaushal Kishore Mishra

Counsel for Respondent :- C.S.C., Satish Chaturvedi

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Kaushal Kishore Mishra, learned counsel for the petitioner, Mr. Satish Chaturvedi, learned counsel for respondent no.4-Bank and learned Standing Counsel for the State-respondent.

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 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 notice dated 25.08.2023 for the net claimed amount of Rs.326497/- against the deceased father of petitioners Shri Surendra Kumar Verma.

II. Issue a writ order or direction in the nature of mandamus commanding the respondent no.4 to consider and decide the representation filed by the petitioner on 05.10.2023.

....."

Learned counsel for the petitioner submits that the petitioner has not taken any loan from the concerned Bank, despite the aforesaid, recovery notice dated 25.08.2023 has been issued against the petitioner. In this regard the petitioner has given a representation, which has not been decided till date, therefore, a direction may be issued to respondent no.4 to consider and decide the same, within stipulated period.

On the basis of instructions, learned counsel for the respondent-Bank Mr. Pankaj Srivastava submits that as per the records, the

petitioner-Usha Devi has taken a loan, however, he has no objection if a direction is issued to respondent no.4 to decide the representation within stipulated period.

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

Considering the facts and circumstance of the case and without expressing any opinion on the merits of the case, it is directed that the petitioner shall file a fresh representation/application, ventilating all her grievances, before the respondent no. 4- Branch Manager State Bank of India, Budhana Town, District- Muzaffar Nagar within two weeks from today, alongwith a certified copy of this order. In case, such representation/application is being moved, the respondent no.4 shall make all endeavours to consider and decide the same, in accordance with law, by means of a reasoned and speaking order, preferably within a period of **two months**, from the date of production of certified copy of this order, if there is no legal impediment.

With the aforesaid observations, the writ petition is **disposed off**.

Order Date :- 30.11.2023

Kalp Nath Singh