

Court No. - 40

Case :- WRIT - C No. - 38444 of 2023

Petitioner :- Baljeet Singh

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

Counsel for Petitioner :- Devendra Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Devendra Kumar Singh, learned counsel for the petitioner and learned Additional Chief Standing Counsel for all the respondents.

2. By means of present writ petition, the petitioner has prayed for direction to the Sub Divisional Magistrate, Tehsil Bindaki, District Fatehpur (respondent no.3) to decide the representations/applications dated 17.08.2023 and 13.10.2023 within some stipulated time.

3. Learned counsel for the petitioner states that one Ashok Kumar had taken a KCC loan of Rs.7 lacs from Central Bank of India, Branch Amauli, District Fatehpur. Due to non-payment of the loan amount the account was declared as 'NPA' and the mortgaged property was put for auction by the respondent no.3. The petitioner was the highest bidder in the said auction and he had deposited Rs.1,77,500/- towards 10% of the amount with the respondent no.3. Said action of the bank was subject matter of challenge in Writ C No.27659 of 2013 (Ashok Kumar Sachan vs. State of UP and 4 others) in which initially, an interim order was accorded by this Court in favour of the petitioner and finally, the writ petition was dismissed in default on 29.05.2023.

4. Learned counsel for the petitioner in this backdrop states that as there is no impediment, the respondents may be directed to confirm the auction sale. So far as the grievance of the petitioner is concerned, he has already filed the representations/applications dated 17.08.2023 and 13.10.2023 before the respondent no.3 for redressal of his grievance, which are still pending. He has confined his prayer only to the relief that his the representations/applications dated 17.08.2023 and 13.10.2023 may be considered by the appropriate authority.

5. Learned Additional Chief Standing Counsel has no objection, in case the matter is relegated to the authority to take a final call in

the matter.

6. No useful purpose would be served in keeping the writ petition pending.

7. In view of above, without expressing any opinion on the merits of the issue and considering the facts and circumstances of the case, this writ petition is disposed of finally with a direction to the Sub Divisional Magistrate, Tehsil Bindaki, District Fatehpur to look into the grievance of the petitioner and redress the same strictly in accordance with law within a period of two months from the date of production of a certified copy of this order before him.

Order Date :- 7.11.2023
RKP