

Court No. - 6

Case :- WRIT - C No. - 38236 of 2023

Petitioner :- Hareram Yadav

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

Counsel for Petitioner :- Sharwan Kumar Tripathi

Counsel for Respondent :- C.S.C., Gyan Prakash Shrivastava

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Sharwan Kumar Tripathi, learned counsel for the petitioner, learned Standing Counsel for the State-respondent and Mr. Gyan Prakash Shrivastava, learned counsel for respondent-bank.

The present writ petition has been filed with a prayer to quash the public auction sale notice dated 01.10.2023 issued by Authorized Officer, Baroda U.P. Bank, Region Deoria and further prayed to direct the respondent to realize the loan amount in easy installment.

Learned counsel for the petitioner submits that petitioner is a farmer, doing agricultural work, had taken a loan from Baroda U.P. Bank amounting of Rs. 20 Lacs but due to some personal difficulty he could not maintain the regular payment of installments, therefore, an auction notice has been published against the property in question. He further submits that the petitioner is ready and willing to deposit the entire loan amount if some time is given to him.

To show his bonafide he has come up with a demand draft of Rs. 4,00,000/- in favour of Baroda U.P. Bank Purvanchal Gramin Bank dated 30.11.2023 issued from Canara Bank No. "753539". The aforesaid draft is being handed over to the counsel for the respondent bank Mr. Gyan Prakash after retaining the photocopy of the same on record.

Learned counsel on behalf of respondent bank submits that the writ petition is not maintainable. Since, the petitioner has brought the draft of Rs. 4,00,000/- and is ready to pay the remaining dues i.e. entire dues within a period of nine months, he has no objection in case protection is given to the petitioner.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is finally disposed of with a direction that the petitioner shall deposit the entire dues within a period of nine months from today as calculated by respondent-bank after adjusting Rs. 4,00,000/-. If the amount is not deposited, it is open to the authorities concerned to proceed in accordance with law.

Order Date :- 2.12.2023

Arti