

Court No. - 6

Case :- WRIT - C No. - 39933 of 2023

Petitioner :- Shahid Husain Khan

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

Counsel for Petitioner :- Krishna Mohan Tripathi

Counsel for Respondent :- C.S.C., Sanjai Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner, Mr. Sanjai Singh, learned counsel for respondent-bank and learned Standing Counsel for the State-respondent.

The present writ petition has been filed with a prayer to quash the impugned recovery notice dated 25.04.2023 issued by the respondent no. 4 and further to direct the respondent bank not to harass the petitioner in pursuance of the recovery notice dated 25.04.2023.

Learned counsel for the petitioner submits that the petitioner was granted loan of Rs. 4,80,000/- for agricultural purpose on 01.07.2019 but due to some personal difficulty he could not maintain the regular payment of installments, therefore, recovery notice has been issued against him. He next submits that he is ready and willing to deposit the loan amount in case the respondent-bank permit him to dispose of the property mortgage towards the loan. He further submits that the interest may be calculated by way of simple interest.

On the aforesaid, learned counsel for respondent-bank submits that the interest has been calculated as per the agreement entered into between the petitioner and the bank at the time of applying the loan. He further submits that for the request regarding payment of loan after selling the property in question he may move an application before bank and the needful may be done.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage with a direction that in case the petitioner approaches the Bank within two weeks by means of filing an application, the respondent-bank may look into the matter and do the needful within one month in accordance with law.

Needless to say no interim order has been passed.

In case no application has been moved by the petitioner, it is open to the authorities concerned to proceed in accordance with law.

Order Date :- 21.11.2023

Arti