

Court No. - 9

Case :- WRIT - C No. - 5082 of 2023

Petitioner :- Vidya Sagar

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil
Sect. Lko. And Others

Counsel for Petitioner :- Dheerendra Kr. Agnihotri

Counsel for Respondent :- C.S.C.,Ashok Kumar Singh

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. This is the third petition for the same cause of action. The second petition being Writ-C No. 2783 of 2023 was dismissed by this Court vide order dated 11.04.2023. The order dated 11.04.2023 passed by this Court reads as under:

"Heard.

The present writ petition has been preferred with the following main prayers:-

"(a) Issue a writ, order or direction in the nature of Mandamus commanding the opposite party no.3 Bank to release the property in favour of petitioner, which is attached by the bank, in the interest of justice.

(b) issue a writ, order or direction in the nature of Mandamus directing the opposite parties to accept the rest loan amount in easy installments and not to adopted any coercive measures against the petitioner."

The Bank has proceeded against the petitioner after initiating proceedings under the provision of SARFAESI Act, 2002. An opportunity was given by this Court vide its earlier order even that has not been complied by the petitioner and except depositing Rs.12 Lakh, the petitioner has not deposited the installments as fixed by the Bank.

The petitioner has a remedy to file a case before the Debt Recovery Tribunal under Section 17 of the Act, 2002.

The writ petition is not maintainable, hence, dismissed. "

2. Sri Ashok Kumar Singh appearing for the Indian Bank submits that the entire sale consideration has been deposited by the purchaser/bidder and today the sale certificate has been issued in his favour.

3. Considering the earlier order passed by this Court, we find no ground to interfere with the present petition. However, it will be

open to the petitioner to approach the Debt Recovery Tribunal under Section 17 of the SARFAESI Act, 2002 against the sale of his property by the Bank for realisation of its dues.

4. Accordingly, the writ petition stands **dismissed**.

(Syed Qamar Hasan Rizvi,J.) (Dinesh Kumar Singh,J.)

Order Date :- 21.6.2023

Abhishek Gupta