

Court No. - 8

Case :- WRIT - C No. - 8739 of 2023

Petitioner :- Meghnath Pandey

Respondent :- State Of U.P. Thru. Distt.
Magistrate, Gonda And 3 Others

Counsel for Petitioner :- Rama Soni, Rohit Kumar
Tripathi

Counsel for Respondent :- C.S.C., Gaurav
Mehrotra

Hon'ble Pankaj Bhatia, J.

Heard Sri Rohit Kumar Tripathi, learned counsel for the petitioner, Sri Akber Ahmad, learned counsel for the respondent no. 4 and perused the record.

The present writ petition has been filed by the petitioner challenging the recovery certificate dated 22.05.2023 as well as auction notice dated 21.08.2023, whereby the respondent bank has initiated recovery proceedings to be recovered as arrears of land revenue and simultaneously has taken steps for auction of properties belonging to the petitioner.

The counsel for the respondent bank on the basis of the instructions received, states that the auction could not be held on the date scheduled in the auction notice and no fresh date has been fixed, as such, to that extent the challenge to the auction notice loses significance at this stage. As regards the recovery certificate seeking to recover an amount of Rs.95,592/- plus interest thereon, the counsel for the petitioner based upon the instructions states that the petitioner is ready and willing to pay the amount, if some suitable time is granted, to which, the counsel for the respondent bank has no objection.

In view thereof, the present writ petition is ***disposed of*** directing that the recovery certificate dated 22.05.2023 shall remain stayed subject to the petitioner depositing an amount of Rs.25,000/- as a first installment on or before 31.12.2023,

second installment of Rs.25,000/- shall be deposited by the petitioner on or before 31.03.2024, third installment of Rs.25,000/- shall be deposited by the petitioner on or before 31.07.2024 and the fourth installment of the balance amount along with interest accrued thereupon shall be deposited by the petitioner on or before 30.09.2024. In case, the amount as directed herein above are deposited by the petitioner, the recovery certificate shall stand quashed and the petitioner would not be required to pay any recovery charges. It is further directed that the respondent bank shall provide an updated copy of the statement of account to the petitioner within 15 days of the petitioner approaching the respondent bank.

Order Date :- 12.10.2023

Arun