

Court No. - 17

Case :- WRIT - C No. - 8947 of 2023

Petitioner :- Chhatra Pal

Respondent :- State Of U.P. Thru. Collector Dist. Kheri And 2 Others

Counsel for Petitioner :- Kapil Dev Chaubey, Ajaiy Kumar Mishra, Gaurav Srivastava

Counsel for Respondent :- C.S.C., Balram Yadava

Hon'ble Alok Mathur, J.

1. Heard learned counsel for the petitioner, learned Standing counsel and learned counsel appearing on behalf of respondent-bank and perused the record.
2. By means of the present writ petition, the petitioner has challenged the auction notice dated 24.05.2023 (Annexure No. 1) whereby the respondents - bank is proceeding to realize the outstanding amount of loan taken by the petitioner.
3. Facts of the present case are that the petitioner has taken agricultural loan from Uttar Pradesh Sahkari Gram Vikas Bank Limited, Branch Gola, District Kheri in the year 2013. However, due to some financial crunch and also due to Covid-19 pandemic, the petitioner could not pay the installments in time. Consequent to which impugned auction notice has also been issued against the petitioner and total outstanding loan amount of Rs.343850/- is due till 24.05.2023.
4. In view of the abovesaid facts, the petitioner approached this Court for redressal of his grievances by filing present writ petition under Article 226 of the Constitution of India.
5. Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the total outstanding loan amount in installments.
6. Learned counsel for the respondent-bank also does not object to the prayer made by the petitioner.
7. Accordingly, with the consent of the parties the petition is disposed of finally with following directions:-
 - (i) The petitioner shall deposit an amount of Rs.01,00,000/- within six weeks from today.

(ii) In case the petitioner deposits the said amount, the recovery /auction proceedings initiated against the petitioner shall be kept in abeyance.

(iii) The remaining amount shall be deposited by the petitioner in eight equal quarterly installments starting from 1st April, 2024.

(iv) The respondent bank shall intimate to the petitioner the total outstanding amount along with interest prior to falling due of the last installment so that the petitioner can pay the entire amount along with interest in the last installment.

(v) In case the petitioner does not pay or fails in depositing any of the aforesaid installments the benefit of this order shall not be available to him and the bank shall be at liberty to recover the same in accordance with law.

8. Supplementary affidavit filed today is taken on record.

(Alok Mathur, J.)

Order Date :- 18.10.2023

Ravi/