

Court No. - 17

Case :- WRIT - C No. - 9197 of 2023

Petitioner :- Sri Surya Pal

Respondent :- Collector Gonda And 2 Others

Counsel for Petitioner :- Vijay Nath Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Vijay Nath Pandey, learned counsel for the petitioner as well as learned Standing Counsel for the State respondents and Sri Praveen Dwivedi, learned counsel has put in appearance on behalf of respondent Bank.

2. By means of present writ petition the petitioner has assailed the recovery notice dated 10.01.2023, issued by respondent no. 2, against the petitioner.

3. It has been submitted by learned counsel for the petitioner that petitioner is a poor farmer and had taken Kisan Credit Card loan, against which as per respondents the outstanding amount is Rs.1070379/- . The petitioner has also taken loan for purchase of tractor and the outstanding amount of loan is Rs.618623/-. Accordingly, total liability of the petitioner towards respondent-Bank as on 27.10.2023 is Ra.16,89,002/-.

4. Learned counsel for the petitioner without entering into the controversy submits that petitioner is ready and willing to pay the outstanding amount in instalments.

5. Learned counsel for respondent no. 3 - Bank submits that respondent no. 3 would have no objection in case petitioner deposits the entire outstanding amount in instalments.

6. In view of above and with the consent of learned counsel for the parties, following directions are passed :-

(i) The petitioner shall deposit an amount of Rs.4,00,000/- within two months i.e. till 16.01.2024 with the respondent no. 3,

(ii) on deposit of Rs.4,00,000/- by the petitioner, the recovery proceedings against the petitioner shall be kept in abeyance,

(iii) the remaining outstanding amount shall be deposited by the petitioner in six equal quarterly instalments,

(iv) after deposit of Rs.4,00,000/- with the respondent bank, they shall issue statement of account to the petitioner indicating total liability of the petitioner towards respondent-bank.

7. In case petitioner fails to deposit any instalment as provided above, the respondents shall be at liberty to proceed with the recovery proceedings in accordance with law.

8. The petitioner is granted liberty to move appropriate application before the respondent - bank in case someone is ready and willing to purchase the mortgaged agricultural land of the petitioner. In case petitioner's proposal is acceptable to the respondent - bank, needful shall be done and respondent - bank shall cooperate in disposing of petitioner's agricultural land which is mortgaged with the respondent - bank.

9. With above directions the writ petition stands **disposed of**.

Order Date :- 17.11.2023

A. Verma

(Alok Mathur, J.)