

Court No. - 17

Case :- WRIT - C No. - 9682 of 2023

Petitioner :- Anjani Kumar Singh

Respondent :- District Magistrate, Amethi And 3 Others

Counsel for Petitioner :- Vyas Narayan Shukla

Counsel for Respondent :- C.S.C.,Avdhesh Shukla

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 Recovery Certificate R.C. Form No. 41 dated 11.10.2023 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 through the scheme of Kisan Credit Card (KCC) from Baroda U.P. Gramin Bank, Branch - Purab Gaon, Gauriganj, District Amethi in the year 2013-14. However, due to some financial crunch the petitioner could not pay the installments in time. Consequent to which impugned recovery certificate has also been issued against the petitioner.

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. 5,00,000/- within Two months 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 6th 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.

(Alok Mathur, J.)

Order Date :- 6.11.2023

Ravi/