

Court No. - 9

Case :- WRIT - C No. - 10498 of 2023

Petitioner :- Sushma Tiwari And Another

Respondent :- District Magistrate , Lucknow And Another

Counsel for Petitioner :- Ashish Kumar

Counsel for Respondent :- C.S.C.,Sanjeev Singh

Hon'ble Rajan Roy,J.

Hon'ble Manish Kumar,J.

Heard Shri Ashish Kumar, learned counsel for the petitioners, learned Additional Chief Standing Counsel for the State and Ms. Satapsi Shukla, learned counsel holding brief of Shri Sanjeev Singh, learned counsel for the opposite party no. 2.

The husband of the petitioner no. 1 had taken a loan from the opposite party no. 2. On 20.01.2023 husband of the petitioner no. 1 has died. Thereafter, some notice has been pasted on the premises in question by opposite party no. 2, copy of which is annexed at page no. 28 of the writ petition. Petitioner's counsel raises very factual issues.

This is not a case where a writ petition would be maintainable at this stage under Article 226 of the Constitution of India, especially as, relief sought in the writ petition is for issuance of a writ, order or direction in the nature of mandamus commanding the opposite parties to cut the regular installment by extending the loan tenure as per its promise by making the applicants joint holders in the loan.

The petitioners may approach any authority of the opposite party no. 2 or seek such other remedy as may be permissible in law.

If the petitioners are ready to pay the loan and there is no legal impediment in this regard, then, they shall apprise the opposite party no. 2 about the said fact which shall be considered by him if there is no other legal impediment.

With the aforesaid observations/directions, the writ petition is **disposed of.**

(Manish Kumar,J.) (Rajan Roy,J.)

Order Date :- 2.12.2023

R.K.P.