

Court No. - 19

Case :- WRIT - C No. - 10515 of 2023

Petitioner :- Mahendra Singh

Respondent :- The Collector / District Magistrate Sitapur And
2 Others

Counsel for Petitioner :- Mani Singh

Counsel for Respondent :- C.S.C.,Nitin Srivastava

Hon'ble Jaspreet Singh,J.

Heard learned counsel for the petitioner. Notice on behalf of the respondents No.1 and 2 has been accepted by the office of Chief Standing Counsel. Shri Nitin Srivastava, learned counsel has accepted notice for the respondent No.2 - Bank.

By means of the instant petition, the petitioner seeks a direction in the nature of mandamus commanding the respondents not to interfere or harass the petitioner in respect of the recovery of the loan. The petitioner has also sought a direction in the nature of certiorari quashing the impugned recovery citation dated 17.08.2023.

The submission of the learned counsel for the petitioner is that the petitioner had taken an agricultural loan on 15.06.2015 for a sum of Rs.2,95,000/- and again on 22.06.2016 for a sum of Rs.9,90,000/- from the respondent No.3 - Bank.

It is stated that due to certain unforeseen circumstances, the petitioner could not service the loan as a result the amount has swelled to a sum of Rs.20,77,585/-. It is further urged that the respondents authorities are proceeding to recover the same by issuance of recovery citation and the land of the petitioner is also being contemplated for auction. It is urged that the petitioner has also deposited a sum of Rs.50,000/- as late as on 03.10.2023. It is submitted that the petitioner is ready to pay the outstanding sum provided some indulgence is granted by this Court.

Shri Nitin Srivastava, learned counsel for the respondent No.3 Bank has candidly submitted that the petitioner is a regular defaulter, who has not paid a single penny, however, later, the petitioner had deposited a sum of Rs.50,000/-. It has further been urged that so far as the bank is concerned, it is primarily interested in payment of amount and as such in case if the petitioner deposits the sum in installment, he shall have no

objections.

Considering the aforesaid submission of the learned counsel for the parties and noticing that the petitioner is ready to pay the outstanding amount in installments, accordingly, with the consent of the parties' counsel, the petitioner is being disposed of with direction to the petitioner to deposit half of the outstanding sum within a period of four weeks from today with the respondent No.3 Bank and the remaining shall be paid in six equal quarterly installments. The respondent-Bank shall also issue the statement to the petitioner to enable him to ascertain the outstanding sum along with interest. The last installment shall cover up-to-date interest. In case the petitioner deposits the first installment within the aforesaid period and continues to deposit the remaining installments in terms of this order, then no coercive action shall be taken against the petitioner nor the property of the petitioner shall be put to auction. However, in case of any default, the respondent No.3 Bank shall be at liberty to proceed against the petitioner for recovery of the outstanding due in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 4.12.2023

Rakesh/-