

Court No. - 18

Case :- WRIT - C No. - 11114 of 2023

Petitioner :- Madan And Another

Respondent :- Collector District Ambedkar Nagar And 3 Others

Counsel for Petitioner :- Aditya Narayan Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Shree Prakash Singh,J.

Heard Sri Aditya Narayan Yadav, learned counsel for the petitioners, Sri Vinod Kumar Singh, learned counsel for the respondent nos. 3 and 4 and Sri S.K. Khare, learned Standing Counsel for the State.

Instant petition has been filed with the following prayers:-

"i. To issue a writ, order or direction in the nature of certiorari hereby quashing the impugned auction Gazette dated 08.12.2023 (Annexure No.1) to the writ petition.

ii. issue a writ, order or direction in the nature of mandamus there directing the opposite party no.4 to take appropriate decision on the representation dated 9.12.2023 pending before him forthwith in the interest of Justice."

Learned counsel for the petitioners submits that admittedly, a loan amount of Rs.90,000/-was taken by the grandfather of the petitioners, who died in year 2008. He added that loan amount, which was taken by the grandfather, was not in the knowledge of the petitioners and once the auction notice was published, they came to know that an amount of Rs.5,43,513/- is outstanding loan amount against them as on 31.12.2023. He submits that the present petitioners are poor farmers and they have hardly source of livelihood and that too with the land which has been placed under the auction. He added that the respondent bank may be directed to accept the loan amount in easy instalments.

On the other hand, learned counsel for the respondent nos. 3 and 4 on the basis of instructions submitted that a scheme has been in the name 'Mritak Rini Sadsyon Ki Rin Mochan Yojana, 2023' for such an exigencies and, therefore, the petitioners may approach the authorities of the Bank and apply over there.

Learned counsel for the petitioners submitted that the petitioners are ready to approach the Bank with respect to apply for 'Mritak Rini Sadsyon Ki Rin Mochan Yojana, 2023'.

In view of the aforesaid submissions, the petitioners are at liberty to approach the Bank authorities by way of moving appropriate application for getting the benefit of 'Mritak Rini Sadsyon Ki Rin Mochan Yojana, 2023' as per the time limit prescribed by the Bank and if such an application is moved, the Bank shall expeditiously consider and decide the same till 31st December 2023.

It is further provided that till the decision is taken by the Bank on the application such moved by the petitioner, effect and operation of the impugned auction Gazette dated 8.12.2023 shall remain stayed.

It is open to the Bank to proceed with the matter once it is found that the present petitioners are not entitled for any kind of benefit of 'Mritak Rini Sadsyon Ki Rin Mochan Yojana, 2023' or if the same not being deposited as per the said scheme.

With the aforesaid observations, instant writ petition is hereby allowed.

Order Date :- 19.12.2023

Ram Murti