

Court No. - 18

Case :- WRIT - C No. - 11238 of 2023

Petitioner :- Harbhajan Singh

Respondent :- State Of U.P. Thru. Distt. Collector/ Distt. Magistrate, Kheri And 4 Othrs

Counsel for Petitioner :- Aman Kumar Shrivastav

Counsel for Respondent :- C.S.C., Vinod Kumar Singh

Hon'ble Shree Prakash Singh,J.

1. Heard Sri Aman Kumar Shrivastav, learned counsel for the petitioner, Sri Vinod Kumar Singh, learned counsel for opposite party no. 2 to 5 and perused the record.

2. Instant petition has been filed with following reliefs:-

a. Issue a writ, order or direction in the nature of in the nature of certiorari quashing the impugned order dated 04.09.2023 issued by opp. party no. 3, letter no. 635 / recovery / K51/93 as well as auction notice dated 08.12.2023 issued by opp. party no. 5 published in Amar Ujala Daily News Paper after summoning the same from the opp. parties concerned in the interest of the justice.

b. Issue a writ order or direction in the nature of mandamus commanding the opp. Parties concerned to provide the correct statement of loan account to the petitioner and take the actual due loan amount from the petitioner in easy instalment and not adopt any coercive measure against the petitioner for realising the loan amount from the petitioner in the interest of justice.

c. Issue any other order or direction which is deemed just, fit and proper be passed in favour of the petitioner in the interest of justice.

d. Allow the writ petition with costs.

3. The contention of learned counsel for the petitioner is that admittedly the petitioner had taken loan and thereafter, due to financial hardship' he could not repay the loan amount and thereafter, the auction notice was published on 08.12.2023. He added that the petitioner is a poor farmer and he is willing to pay the outstanding loan amount. He further prays that this

Hon'ble Court may be pleased to direct the opposite party nos. 2 to 5 to accept the loan amount in 12 equal installments.

4. Learned counsel appearing for the bank has shown his agreement to the contentions aforesaid.

5. In view of the aforesaid submissions, the bank i.e. opposite party nos. 2 to 5 is directed to accept the outstanding loan amount due against the petitioner in 12 equal monthly installments, including interest.

6. The petitioner shall pay the first installment, on 15.01.2024, failing which, the benefit of the order shall accrue to him and the bank authority would be at liberty to move further, as per the law.

7. Till the aforesaid period, the **auction notice dated 08.12.2023 is hereby kept in abeyance.**

8. With the aforesaid observations, the instant petition is **disposed of.**

Order Date :- 21.12.2023
Mayank