

Court No. - 2

Case :- WRIT - C No. - 6029 of 2025

Petitioner :- Awadhesh Kumar Singh

Respondent :- Union Of India Thru. Cabinet Secretary New Delhi And 6 Others

Counsel for Petitioner :- Prabhat Singh Rathour

Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Prabhat Singh Rathore, learned counsel for the petitioner and learned Standing Counsel appearing on behalf of respondents State.

2. By means of present petition, the petitioner has prayed for following reliefs;

i. To issue a writ, an order or direction in the nature of Mandamus or a writ of Mandamus commanding the opposite party no.02 to conduct an enquiry into the conduct of the business of the opposite party nos.5 to 7 so far as it is concerned to Loan Account No.-920000196247, Cont. No. ULI00475D, S. No. UP35101 and may further direct the opposite party no.2 to register an FIR for the bungling of funds and fraud played by the officials of the opposite party nos.5 to 7, responsible for such fraud and embezzlement regarding which the petitioner has made application to the Superintendent of Police, Bahraich, in the interest of justice.

ii. To issue a writ, order or direction in the nature of Mandamus or that of Mandamus commanding the opposite party nos.5 to 7 to provide the entire documents related to the loan account Loan Account No. 920000196247 maintained at Branch Manager, IndusInd Bank Limited, S.N.Plaza, Above HDFC Bank, Gonda Road, Bahraich-271801 as well as the complete account statement of the same to the petitioner, in the interest of justice.

iii. Issue a writ, order or direction in the nature of Mandamus commanding the opposite party nos.5 to 7 to waive off the loan installments of the Loan Account No.920000196247 maintained at IndusInd Bank Ltd, Bahraich City Branch, S.N. Plaza, Above HDFC Bank, Gonda road, Bahraich- 271801, in the interest of justice.

iv. To issue a writ, an order or a direction in the nature of Mandamus or a writ of Mandamus, commanding the opposite parties not to harass the petitioner in any manner, for realization of the loan aforesaid without following the due procedure of law.

v. Issue a writ, an order or a direction in the nature of Mandamus commanding the opposite parties to pay the adequate compensation as may be deemed proper and adequate in the facts and circumstances of the

case.

3. It has been submitted by learned counsel for the petitioner that the father of petitioner has availed the loan facility from IndusInd Bank for purchase of a dumper truck of Ashoka Leyland and taken a loan of Rs.42 lakh. It has further been submitted that unfortunately the father of the petitioner died on 23.02.2025. The dispute raised in the present case is that the said loan was also insured, inasmuch as, the amount of insurance loan was also deducted by the Bank but after the death of the father of the petitioner, respondents Bank is not giving details pertaining to the insurance of the said loan amount. He further submits that due to death of the father, some private persons have been employed by the respondents Bank to recover the outstanding amount from the petitioner and according to the petitioner, the same is not in accordance with law, inasmuch as, the same loan was insured but all efforts made by the petitioner to secure the documents of the loan as well as as to whether the loan was ensured had failed and respondents Bank has not given any papers to the loan. The respondents Bank, on the other hand, forcing the petitioner to pay the entire amount.

4. After the argument at some length, counsel for the petitioner submits that the grievance of the petitioner shall be subserved, in case, respondent no.7 is directed to provide all the loan documents pertaining to the loan obtained by father of the petitioner.

5. Learned Standing Counsel does not oppose the innocuous prayer made by the petitioner.

6. Accordingly, liberty is granted to the petitioner to make a suitable application to respondent no.7 for providing the documents pertaining to the loan obtained by his father including the agreement and all the details of payment made. Respondent no.7, on receipt of the said application, shall provide all the loan documents relating to the said loan with expedition within a period of one weeks thereafter.

7. With the aforesaid direction, the petition stands **disposed of**.

Order Date :- 25.6.2025

A.Kr*

(Arun Kumar Singh Deshwal, J.) (Alok Mathur, J.)