2026:AHC:208549-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40354 of 2026

Smt. Rinu Yadav

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhtar Ali
Counsel for Respondent(s)	:	C.S.C., Prakhar Prakash Srivastava

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE VIVEK SARAN, J.

1. The proceedings against the petitioner have been initiated under the SARFAESI Act, 2002 but have not gone beyond the stage of notice under Section 13 (2). At that stage the petitioner instituted a writ petition before this Court being Writ-C No.11917 of 2026 where the Division Bench taking note of the fact that the learned counsel for the petitioner stated that he had already filed objections under Section 13(3A) of the SARFAESI Act, 2002, issued a direction saying that the objections filed by the petitioner be decided within a period of two weeks from the date of the order in accordance with law. The said objections were apparently made in exercise of statutory right under Section 13 (3-A) of the Act, 2002. These objections have come to be rejected vide order dated 28.04.2026. The order though declines the petitioner's offer, keeps the negotiations alive.

2. The learned counsel for the petitioner has now instituted this petition saying that a mandamus be issued directing respondent no.2 to consider settlement of the loan account, according to the petitioner's proposal, by accepting the proffered amount and withdraw the recovery proceedings.

3. We are afraid that no such mandamus can be issued. We cannot compel the respondent-Bank to accept terms which the petitioner offeres. Terms are always subject matter of negotiation between parties which must take their own course and reach conclusions according to consensus that the parties arrive at. None of the parties can thrust his choice upon the other. We further note that proceedings have not gone ahead beyond the stage of notice under

Section 13(2) of the SARFAESI Act. No measures under Section 13(4) have yet been taken. If the petitioner has any legal objection to the proceedings which he wishes to urge, he can do so when measures under Section 13(4) are taken by recourse to the provisions of Section 17 of the SARFAESI Act before the Debts Recovery Tribunal. So far as this petition is concerned, no relief can be granted.

4. This petition is **dismissed**.

(Vivek Saran,J.) (J.J. Munir,J.)

October 6, 2026
Gaurav Kuls

Digitally signed by :-
GAURAV KULSHRESTHA
High Court of Judicature at Allahabad