HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43036 of 2026

Dilip Chaube

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Surya Prakash Dubey
Counsel for Respondent(s)	:	C.S.C., Sachin Mishra

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel representing State-respondents and perused the record on board.

2. This writ petition has been filed, inter alia, seeking the following reliefs:

> *"I) Issue a writ, order or direction in the nature of certiorari, quashing the impugned demand notice dated 21.07.2026 issued in R.C. Form No. 36, and the consequential recovery proceedings arising out of Agricultural loan of year 2023, and the attachment order dated 07.10.2026/09.10.2026 issued in R.C. Form No. 41.*
>
> *II) Issue a writ, order or direction commanding the competent respondent authorities / bank respondents to reconsider the impugned recovery in pursuance of the Agricultural loan of year 2023 and attachment proceedings in accordance with law and to decide the petitioner's claim dated 17.09.2026 and his request for repayment of the outstanding amount by reasonable instalments within a period fixed by this Hon'ble Court.*
>
> *III) Issue an appropriate writ, order or direction commanding the respondent bank to consider the petitioner's request for settlement of the loan account of year 2023 and repayment by instalments.*
>
> *IV) Issue an appropriate, writ , order or direction commanding the respondents not to take any coercive action, including attachement or auction of the petitioner's property pursuant to the impugned recovery/ attachment order passed by the concern respondents during the pendency of the petitioner's representation for settlement of the loan account.*
>
> *V) Issue any other suitable order or direction in the nature of mandamus*

commanding the respondents, particularly the respondent bank, to consider and permit the petitioner to repay only the principal amount of loan agreement of year 2023 availed by the petitioner, after waiving the accrued interest , penal interest, additional charges and other excess amounts levied over and above the principal loan amount, in accordance with the applicanle rules, policies and schemes of the bank respondent."

3. The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, assailing the recovery notice (RC Form No. 36) for recovery of an amount of Rs. 6,10,000/- from the petitioner as well as notice (RC Form 41) for attachment of the mortgaged property.

4. Admittedly, the petitioner had taken an agricultural loan in the year 2023. However, due to certain financial constraints, he could not deposit the said amount and consequently, the recovery proceedings were initiated against him.

5. Learned counsel for the petitioner does not dispute the amount which is sought to be recovered from him. He further submits that the petitioner is ready to deposit the entire amount in easy instalments.

6. Learned counsel for the Bank states that the anxiety of the Bank is that the amount should be recovered back and has no objection if the instalments are fixed in the matter by this Court.

7. Accordingly, this writ petition is **disposed of** with the following directions:

(i) Petitioner shall deposit a sum of Rs. 1,00,000/- (rupees one lakhs only) on or before 01.12.2026 with the concerned bank and the rest of the outstanding amount shall be deposited in six equal instalments at the interval of three months to be fixed by the concerned bank. These deposits shall be made before the Branch of the Bank from where the loan was taken.

(ii) Recovery proceedings during this period shall remain in abeyance. In case, petitioner commits default in depositing any of the aforesaid instalments within the stipulated period, it will be open to the respondents to start the recovery proceedings again by taking coercive process.

(iii) Petitioner shall file an application for supply of statement of account along with the duly stamped self addressed envelope. In the event, any such

application is filed, the concerned branch of the Bank shall furnish the said statement to the petitioner, after deposit of the first instalment, within fifteen days and in calculating the arrears, the amount (if any) already paid shall also be adjusted.

(iv) If any fact stated by the petitioner is found to be incorrect, it will be open for the bank authorities to move an application for modification/recall of the order.

(v) In case all the instalments are deposited as per the schedule fixed, the petitioner may approach the Collector concerned for waiving the recovery charges, if any. In the event such an application is filed, it shall be dealt with in accordance with law by the authority concerned.

October 23, 2026
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(Dinesh Pathak,J.)

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad