

Govind Dhar Dubey Vs State of U.P.

Court: Allahabad High Court

Date of Decision: June 30, 2014

Hon'ble Judges: Manoj Misra, J

Bench: Single Bench

Advocate: Ravindra Prakash Srivasta, Advocate for the Appellant; Satish Chaturvedi, Advocate for the Respondent

Final Decision: Disposed Off

Judgement

Manoj Kumar Gupta, J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State respondents and Sri Pankaj

holding brief of Sri Satish Chaturvedi, learned counsel for the respondent bank.

2. Learned counsel for the petitioner does not dispute the amount which is sought to be recovered from him.

3. Admittedly, the petitioner took loan from the respondent-Bank out of which petitioner has not paid substantial amount. Petitioner submits that he

is ready to deposit the balance amount in easy installment. Learned counsel for the Bank states that the anxiety of the Bank is that the amount

should be recovered back.

4. Accordingly, this petition is disposed of with the following directions:-

(i) Petitioner may deposit the entire amount sought to be recovered directly in concerned Bank in four equal installments.

(ii) The first installment shall be deposited within one month from today, and rest of installments shall be deposited at interval of three months.

These deposits shall be made before the Branch of the Bank from where the loan was taken.

(iii) Recovery proceedings during this period will be kept in abeyance. In case, petitioner commits default in depositing any of the installments

within the above stipulated time, it will be open to the respondents to resume the recovery proceedings again by taking coercive process.

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

application is filed, the concerned branch of the Bank will give the same to the petitioner within fifteen day after deposit of the first installment. The

statement of amount will reflect the amount deposited till then and the balance amount still to be paid.

(v) This order will not affect any auction, if it has already taken place. In that event, the petitioner may take appropriate legal proceedings to set

aside the auction under U.P.Z.A. & L.R. Act and Rules 1952 or file a suit in accordance with law.

(vi) Property (agricultural land/tractor) belonging to the petitioner, if attached in connection with recovery proceedings, will be released by the

concerned Tehsil authority (unless it has been auctioned) after deposit of first installment.

(vii) 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.

(viii) In case all the installments are deposited as per the schedule fixed by this order, the recovery of the collection charges would remain in

abeyance till such time the Collector decides the application that may be filed by the petitioner for determining collection charges/fee as per the

legal provisions and also taking into consideration the Full Bench decision of this Court in the case of Mahrajwa and Others Vs. State of U.P. and

Others, . Upon determination of collection charges/fee the Collector will communicate the same to the petitioner and upon communication of the

same, it would be open to the petitioner to either deposit the same within a period of 30 days or if not satisfied with the same may assail the order

of the Collector in appropriate proceedings.

5. The writ petition stands disposed of with the aforesaid observation and direction.