

(1999) 08 AHC CK 0031

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 31887 of 1999

Akhilesh Kumar Singh and Others

APPELLANT

Vs

District Magistrate/Collector and Others

RESPONDENT

Date of Decision : 03-08-1999

Acts Referred:

Uttar Pradesh Agricultural Credit Act, 1973 — Section 11A(2)

Citation : (2001) 2 UPLBEC 1042

Hon'ble Judges : Sushil Harkauli, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sushil Harkauli, J.—Heard learned Counsel for the parties. The respondents Counsel was given an option to file counter-affidavit which he did not opt to file. He has argued the matter relying upon the decision or Supreme Court reported in State Bank of India Vs. Yasangi Venkateswara Rao, , the said decision has no application with the present case.

2. Learned Counsel for the petitioner has relied upon Section 11-A(2) of the U.P. Agricultural Credit Act, 1973.

3. In para 4 and 6 of the Writ Petition, it has been stated that the petitioner became defaulter in 1989 and the amount became due was not recovered. The recovery certificate which has been issued after seven years is hereby quashed in view of provision of Section 11-A (2) of the U.P. Agricultural Credit Act.

4. The writ petition is accordingly allowed. However, it will be open to the respondent Bank to pursue such other remedy as may be available to the bank under the law.