
(2012) 09 AHC CK 0207
In the Allahabad High Court
Case No : Writ Case No. 44631 of 2012

Manoj Kumar and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 19-09-2012

Acts Referred:

Citation : (2013) 3 BC 173

Hon'ble Judges : Ashok Bhushan, J; Abhinava Upadhyay, J

Bench : Division Bench

Advocate : Arvind Kumar Tripathi, for the Appellant; Sudhanshu Srivastava and Mr. Vipin Sinha, for the Respondent

Final Decision : Disposed Of

Judgement

1. Heard learned Counsel for the petitioners, learned Standing Counsel appearing for the State-respondent Nos. 1, 2 and 3 and Mr. Sudhanshu Srivastava, learned Counsel appearing for the Bank-Respondent No. 4. With the consent of learned Counsel for the parties, the writ petition is being finally disposed of.

2. By means of this writ petition the petitioners, who are three in number, have prayed for mandamus directing respondent No. 2 to supply copy of the recovery citation and further not to adopt coercive measures against the petitioners. The case of the petitioners is that petitioner Nos. 1 and 2 had taken loan of Rs. 50,000/- in the year 2004 and 2002 respectively under the Prime Minister Rojgar Yojana and petitioner No. 3 had taken loan of Rs. 80,000/- in the year 2006 under the same Scheme. On default being committed recovery proceedings have been initiated.

3. Learned Counsel for the Bank was allowed time to obtain instruction in the matter and to produce the Recovery Certificate issued against the petitioners. Learned Counsel for the Bank has produced Recovery Certificates dated 5th July, 2011 and 7th July, 2011 issued by the Collector for the recovery of the amount as arrears of land revenue. Details of which are as follows:

1. Manoj Kumar-Petitioner No. 1--Total outstanding amount of Rs. 48,520 is due as on 26th June, 2011.

2. Anurag Gupta-Petitioner No. 2--Total outstanding amount of Rs. 44,482/- is due as on 25th June, 2011.

3. Gaurav Kumar-Petitioner No. 3--Total outstanding amount of Rs. 97,502/- is due as on 26th June, 2011.

4. Learned Counsel for the petitioners submits that the petitioners accept the entire liability and are ready to deposit the entire amount provided some reasonable time is given to clear off the outstanding amount.

5. Learned Counsel for the respondent Bank submits that the Bank has no objection provided the petitioners deposit the entire outstanding amount within the time allowed by this Court and on default being committed by the petitioners in depositing the amount, the Bank may be given liberty to proceed further in the matter.

6. Considering the facts and circumstances of the present case, ends of justice would be served in disposing off the writ petition with the following directions:

1. The petitioners shall deposit the entire outstanding amount in three equal quarterly instalments with the respondent No. 4-Bank and the first instalment shall be paid on or before 31st October, 2012 and thereafter within every three months.

2. After payment of first instalment the Bank shall provide statement of account to the petitioners after adjusting the amount paid by them and subsequently instalment shall be paid accordingly.

3. Only citation having been issued, no recovery charges shall be realized from the petitioners.

4. In the event of petitioner's committing any default in depositing the amount as directed above, the respondents will be at liberty to proceed against the petitioners in accordance with law and the recovery proceeding shall be revived.

5. Subject to payment as directed above, no coercive action shall be taken against the petitioners by the respondents.

With the aforesaid observations/directions, the writ petition is finally disposed of.