

(2010) 10 UK CK 0122

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1767 of 2010

Ramesh Ram

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 08-10-2010

Acts Referred:

Citation : (2010) 10 UK CK 0122

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties and perused the record.

2. By means of this writ petition, the petitioner has sought a writ in the nature of certiorari quashing the impugned recovery citation issued by the respondent No. 4 (Annexure No. 2 to the petition). The petitioner has also sought release of his tractor, which is detained by the respondents.

3. According to the petitioner, he had taken a loan of Rs. 6,25,000/- in the year 2008 from the respondent No. 3-Bank. The petitioner claims to have deposited a sum of Rs. 1,60,000/- with the respondent No. 4 on 12-8-2010 and there after. Due to financial crises, he could not repay the loan amount in time, which ultimately gave rise to issuance of recovery citation issued against the petitioner.

4. In the course of arguments, learned Counsel for the petitioner submitted that the petitioner is ready and willing to repay the entire outstanding amount under the recovery citation along with recovery charges in easy installments. On the other hand, learned Counsel for the respondent-Bank Mr. Arvind Vashist, Advocate, has submitted that the respondent-Bank would have no objection if the entire outstanding amount along with recovery charges is paid by the petitioner by the close of the current financial year, i.e. 31-3-2011 and an amount of Rs. 50,000/- is paid within a period of four weeks.

5. Learned Counsel for the petitioner has stated that the petitioner has already

deposited amounts of Rs. 1,60,000-/ in the month of August, 2010 with respondent No. 4.

6. In the above facts and circumstances, if the petitioner deposits an amount of Rs. 50,000/-(Rs. Fifty thousand) with the Recovery Officer-Tehsildar, Kichha, district Udham Singh Nagar, within a period of four weeks from today, the tractor, which has been detailed by the respondents be released in his favour. It is also directed that the petitioner shall pay the entire remaining outstanding amount under the recovery citation (Annexure 2 to the petition) along with recovery charges with the Recovery Officer in four equal monthly installments. The first instalment shall fall due on the last day of December 2010 and the subsequent installment shall fall due on the last day of the months there after, i.e. 31.12.2010, 31.1.2011, 28-2-2011 and 31-3-2011. It is made clear that in case the petitioner commits a default in payment of any of the instalments, as directed above, the respondents would be at liberty to recover the entire outstanding amount from the petitioner in lump-sum. Accordingly, the impugned recovery citation issued by the respondent No. 4 (Annexure-2 to the petition) shall not be given effect to by the respondents.

7. With the above direction, the writ petition is disposed of finally.