

(2009) 01 AHC CK 0140
In the Allahabad High Court
Case No : Writ Petition No. 3147 of 2009

Shesh Bahadur

APPELLANT

Vs

State of U.P.And Others

RESPONDENT

Date of Decision : 22-01-2009

Acts Referred:

Uttar Pradesh Sahkari Gram Vikas Banks Rules, 1971 — Rule 45

Citation : (2009) 01 AHC CK 0140

Hon'ble Judges : Amitava Lala, J and Rajes Kumar, J

Final Decision : Disposed Of

Judgement

1. Petitioner has contended before this Court that notice impugned herein has been served by the Branch Manager of the Bank. The loan which is in the nature of commercial loan sought to be recovered as arrears of land revenue at least as per citation. But we will find from Rule 45 of U.P. Sahkari Gram Vikas Banks Rules, 1971 that a recovery certificate can be issued by the Registrar of a Cooperative Bank under Rule (2) of subrule (1) which shall be final and conclusive proof of the dues which shall be recoverable as arrears of land revenue from the sureties and the borrower jointly and severally. In paragraph 16 of the writ petition, the petitioner has specifically taken that ground. Therefore, at this stage, we do not find any reason to keep the writ petition pending unnecessarily but to pass the order to the extent that the notice which has been issued by the Bank for the purpose of recovery and the citation without following Rule 45, shall be quashed. However, passing of this order will no way affect the right of the respondent authorities to take the course of law as per Rule 45 of the aforesaid Rule to collect the arrears, if any, from the petitioner.

2. With the above observation, writ petition is disposed of. No order is passed as to costs.