
(2010) 05 AHC CK 0025
In the Allahabad High Court
Case No : C.M.W.P. No. 24663 of 2010

Smt. Shanti Devi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 20-05-2010

Acts Referred:

Citation : (2011) 3 AWC 2465

Hon'ble Judges : Subhash Chandra Nigam, J; Satya Poot Mehrotra, J

Bench : Division Bench

Judgement

Satya Poot Mehrotra, J.—The Petitioner was allotted a House under a scheme of U.P. Awas Avam Vikas Parishad (Respondent No. 2).

2. The Petitioner committed default in payment of instalments, and consequently, a recovery certificate was sent by the Respondent No. 2 to the Respondent No. 4. Copy of the said recovery certificate has been filed as Annexure-3 to the writ petition.

3. As per the said Recovery Certificate, the amount due as on 30.11.2009 in respect of the defaulted instalments was Rs. 1,56,315 and the penal interest was Rs. 62,372.10. Thus, an amount of Rs. 2,18,687.10 was shown as due from the Petitioner as on 30.11.2009.

4. The Recovery Certificate further requires the Petitioner to pay monthly instalments with effect from 1.12.2009.

5. We have heard Shri Anshu Chaudhary, learned Counsel for the Petitioner and Shri Madan Mohan, learned Counsel for the Respondent Nos. 2 and 3.

6. Shri Anshu Chaudhary, learned Counsel for the Petitioner submits that the Petitioner is ready to deposit the entire amount due in respect of the defaulted instalments till May, 2010 alongwith penal interest, in case, the Petitioner is permitted to deposit the same in instalments.

7. Shri Anshu Chaudhary further states that the Petitioner will be depositing regular instalments with effect from June, 2010.

8. Shri Madan Mohan, learned Counsel for the Respondent Nos. 2 and 3 has No. objection to the aforesaid proposal made by Shri Anshu Chaudhary, learned Counsel for the Petitioner.

9. In the circumstances, the present writ petition is disposed of finally with the following directions:

1. The Petitioner will deposit the entire arrears in respect of the defaulted instalments till May, 2010 alongwith penal interest in three equal quarterly instalments as under:

The first instalments may be deposited by 20th August, 2010, the second by 20.11.2010 and the last/third by 21st February, 2011.

2. The Petitioner will further continue to deposit regular instalments with effect from June, 2010 as and when the same fall due.

3. If the Petitioner complies with the conditions contained in Directions No. 1 and 2 above, the recovery proceedings against the Petitioner will be kept in abeyance. However, if the Petitioner fails to comply with the conditions laid down in Directions No. 1 and 2 above, this order will stand automatically vacated and the Respondents will be at liberty to proceed against the Petitioner in accordance with law.

4. This order will not affect any auction or sale which may already have taken place.

5. After all the deposits as per the conditions laid down in Directions No. 1 and 2 above, are made by the Petitioner, the recovery proceedings against the Petitioner will be dropped and No. recovery charges will be recovered from the Petitioner.

6. This order will not be applicable if the Petitioner has already filed any earlier writ petition challenging the impugned Recovery.