

(2021) 12 UK CK 0162

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2661 Of 2021

Vinesh Kumar Saini

APPELLANT

Vs

District Magistrate, Haridwar & Others

RESPONDENT

Date of Decision : 14-12-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 12 UK CK 0162

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Matloob Rawat, G.S. Negi, Pulak Agarwal

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner took two housing loans from Punjab National Bank, Housing Loan Branch, Jwalapur, District Haridwar. According to him, due to serious illness and also due to lockdown imposed in view of the COVID-19 pandemic, he could not repay the loan in time, therefore, respondent Bank has initiated proceedings for recovery of the outstanding amount from the petitioner.

2. It is the contention of learned counsel for the petitioner that respondent Bank had insured the loan amount with ICICI Lombard General Insurance Company, however, the Insurance Company has repudiated petitioner's claim for reimbursement of the amount spent on petitioner's treatment on the ground that ailment, suffered by the petitioner, is not covered by the policy.

3. By means of this writ petition, petitioner has sought following relief:-

(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned possession notice dated 22.09.2021 issued by the respondent no. 3 (contained as Annexure no. 1 to this writ petition)

(ii) Issue a writ order or direction in the nature of mandamus commanding and

directing the respondent no. 3 to recover the loan amount of Rs. 79,76,887.72 in easy instalments fixed by this Hon'ble Court, so that the entire borrowed amount may be repaid to the respondent no. 3 bank.

(iii) Issue a writ or direction in the nature of mandamus directing the respondents not to take any coercive measures against the petitioner pursuant to impugned possession notice dated 22.09.2021.

4. The dispute between the petitioner and the Insurance Company cannot be gone into by this Court in the proceedings under Article 226 of the Constitution.

5. Learned counsel for the petitioner then submits that petitioner may be given some time for repayment of loan.

6. Having regard to the facts and circumstances of the case, the writ petition is disposed of with liberty to the petitioner to make representation to the respondent Bank within one week from today. If such a representation is made within time, Competent Authority in the Bank shall consider the same and take appropriate decision, in accordance with law, within three weeks from the date of production of such representation along with certified copy of this order. Till decision on petitioner's representation, status quo qua secured asset shall be maintained.

7. Let certified copy of this order be supplied to the petitioner within 24 hours.