

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 436 of 2010.

Zahoor Hasan Son of Sri Bundu, Resident of village Mundyaki, Post Office Gurukul Narsan, Tehsil Roorkee, District Haridwar.

... Petitioner.

Vs.

1. Tehsildar, Tehsil Roorkee, District Haridwar.
2. Punjab National Bank, Branch Lehboli, District Haridwar through its Branch Manager.
3. State of Uttarakhand through Collector Haridwar.

... Respondents.

Mr. Arvind Kumar Sharma, Advocate, learned counsel for the petitioner.

Mr. K.P.Upadhyay, Addl. C.S.C., learned counsel for the respondent nos. 1 and 3.

Mr. L.K.Tiwari, Advocate, learned counsel for the respondent no.2-Bank.

Date March 31, 2010.

Hon'ble B.S.Verma, J.

(Stay Application No. 2037 of 2010)

Heard learned counsel for the parties and perused the record.

By means of this writ petition, the petitioner has sought a writ in the nature of certiorari, quashing the recovery citation dated 04-11-2009 (Annexure-3 to the writ petition) issued by Tehsildar, Roorkee-respondent no.1 against the petitioner.

According to the petitioner, he took an agricultural loan of Rs. 4 lacs from the respondent-Bank on 4-6-2007 for a period of six years. The petitioner deposited a sum of Rs. 30,000/- with the respondent no.2-Bank. The impugned recovery citation has been issued against the petitioner for recovery of Rs. 4,80,600/- on 4-11-2009. It is alleged that the petitioner has deposited amounts of Rs. 40,700/- after issuance of recovery citation. The petitioner is ready and willing to repay the entire outstanding amount in easy instalments.

During the course of arguments, learned counsel for the petitioner has urged that the petitioner is ready and willing to pay the entire outstanding amount under the recovery citation in easy quarterly

instalments. On the other hand, learned counsel for the respondent no.2-Bank, Mr. L.K.Tiwari, Advocate, has submitted that the respondent-Bank would have no objection if the entire outstanding amount against the petitioner along with recovery charges is deposited by the petitioner in not more than four equal quarterly instalments.

In the above facts and circumstances, the petitioner is directed to pay the entire outstanding amount under the impugned recovery citation (Annexure-3 to the petition) in four equal quarterly instalments before the Recovery Officer along with recovery charges. The first quarterly instalment shall be payable by the 1st day of June 2010 and the subsequent instalments shall fall due by the 1st day of the month after every three months thereafter. It is made clear that in case the petitioner fails to deposit any of the quarterly instalments, as directed above, the respondents would be at liberty to recover the entire outstanding amount along with recovery charges from the petitioner in lump-sum. Accordingly, the impugned recovery citation (Annexure-3) shall not be given effect to by the respondents.

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

All pending applications stand disposed of.

(B.S.Verma,J.)

RCP

