

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

CWP No. 2799/2026
Decided on: 11.03.2026

Prakash @ Vikas

....Petitioner

Versus

Himachal Pradesh State Cooperative Agricultural and Rural
Development Bank Ltd. & Ors.

....Respondents.

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner:

Mr. Nitin Rishi, Advocate.

For the respondents:

Mr. Narender Thakur, Advocate.

Jyotsna Rewal Dua, J

Notice. Mr. Narender Thakur, learned counsel,
accepts notice on behalf of the respondents.

With the consent of learned counsel for the parties, the
matter has been heard at this stage without calling for the reply.

2. The petitioner feels aggrieved against auction notice
dated 27.01.2026 [Annexure P-4 (colly)] issued by the respondents

¹ *Whether reporters of the local papers may be allowed to see the judgment? yes*

whereby his landed property specified therein is to be auctioned on 11.03.2026.

3. The case set up by the petitioner is that he had availed an agricultural loan from respondent No.2 on 14.12.2018 to the tune of Rs. 8,00,000/- under a loan account. In lieu of the loan, his land was mortgaged with the respondents. The petitioner is stated to have met with a road accident on 14.09.2019, in connection with which FIR No. 80/2019 was registered on 14.09.2019 at Police Station Keylong, District Lahul & Spiti. The petitioner statedly suffered severe head injuries and remained under treatment for quite some time. According to the petitioner, he has now become permanently disabled with neuropsychological disability to the extent of 82.09%. On account of the said accident, he has become incapable of performing work and livelihood activities. He has been advised to undergo Cranioplasty surgery estimated to cost between Rs. 7,00,000/- to Rs. 12,00,000/-, along with continuous medical care. Against the backdrop of his physical condition, the respondents-Bank have claimed recovery of Rs. 15,73,721/-, consisting of Rs. 8,00,000/- as principal amount and Rs. 7,73,721/- towards interest.

Learned counsel for the petitioner submitted that on account of unforeseen circumstances and the accident that has practically incapacitated the petitioner, he is not in a position to

discharge his loan liability, and therefore seeks time to come out with a concrete proposal before the respondents.

4. Taking into consideration the pleadings and documents as also the submissions made for the petitioner, and in the interest of justice, this writ petition is disposed of reserving liberty to the petitioner to submit a proposal to respondent No.1/competent authority within eight weeks from today for discharging his loan obligation. In case of submission of such proposal, the respondents/Bank shall consider and decide the same within four weeks. Till such time, no coercive action shall be taken against the petitioner. The proceedings under auction notice dated 27.01.2026 [Annexure P-4 (colly)] shall remain stayed till such time. The respondents-Bank, however, shall proceed in the matter further in accordance with law after the expiry of twelve weeks from today. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

11th March, 2026_(rohit)