

Kapil Goel Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Jul-23-2001

Reported in : 2001(3)AWC2230

Judge : M. Katju and ;R.B. Misra, JJ.

Acts : [Constitution of India](#) - Article 226

Appeal No. : C.M.W.P. No. 26545 of 2001

Appellant : Kapil Goel

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Raj Kumar, Adv.

Disposition : Writ petition dismissed

Judgement :

M. Katju, J.

1. The petitioner is challenging the impugned recovery. No illegality has been pointed out and hence, we cannot interfere in writ jurisdiction.

2. Learned counsel for the petitioner urged that this Court should fix instalments.

3. In our opinion the High Court under Article 226 of the Constitution cannot fix instalments as the High Court in writ jurisdiction can interfere only when there is error of law apparent on the face of record. Simply for fixing instalments, no writ can be issued. Fixing instalments means rescheduling of the loan and this can only be done by the Bank or the Financial institution, which granted the loan. The High Court under Article 226 cannot reschedule the loan. The writ petition is dismissed.

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