



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 36140 of 2025**

Naushad

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Imtiyaj Ali, Archana Singh,  
Shreepakash Singh  
Counsel for Respondent(s) : C.S.C., Jitendra Kumar Mishra, Lok  
Nath Shukla

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**Court No. - 36**

**HON'BLE ARUN KUMAR, J.**

1. When the case was taken up as a fresh case, following order was passed on 16.10.2025:-

*"It is contended by the counsel for the petitioner that the petitioner had taken an agricultural loan for establishing a poultry farm. It is submitted that due to default committed by him in repayment of loan, the recovery proceedings were initiated against him and an order dated 11.6.2025 has been passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, attaching the mortgaged property of the petitioner. It is submitted that in view of the expressed provisions under Section 31(i) of the SARFAESI Act, the provisions of the SARFAESI Act could not have been enforced in respect of an agricultural loan.*

*Matter requires consideration.*

*Issue notice to respondent no. 3, returnable within three weeks.*

*List again as fresh on 17.11.2025.*

*In the meantime, if auction of the land is held, it shall not be finalized, without the leave of the Court."*

2. On 20.1.2026, when the case was taken up again, learned counsel for the respondent Bank sought further time to seek instructions.

3. Learned counsel for the petitioner has filed an affidavit on 19.1.2026 in which in paragraph 5 of the affidavit, it is averred that the employees of the respondent Bank along with police personnel came on the poultry farm of the petitioner on 13.1.2026 and damaged it and seized the property by putting their lock on the main gate.

4. Today, when the case was taken up, learned counsel for the respondent Bank is not present. In compliance of the order dated 20.1.2026, learned counsel for the petitioner has filed a supplementary affidavit, which is taken on record, stating that the loan taken from the respondent Bank was an agricultural loan for poultry farm. As such, the mortgaged property against the said loan was exempted from SARFAESI Act, 2002, in view of the provisions of Section 31(1) of the Act. There is nothing on record to show that the counsel for the petitioner had given a written notice to the counsel for the respondent Bank.

5. In such circumstances, the case is passed over for the day.

6. However, the parties are directed to maintain status quo on the spot in respect of the mortgaged property.

7. List as fresh on 30.3.2026.

**(Arun Kumar,J.)**

**March 19, 2026**

Anil