

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Con.Case(C) .No. 758 of 2015 (S) IN WP(C) .31768/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 31768/2014 of HIGH COURT OF KERALA
DATED 09-01-2015

PETITIONER(S)/PETITIONER:

HAREESH V.K. AGED 54 YEARS
S/O.V.K.RAMAN, VALLIYATH VEEDU, NELLIKALA P.O.
ELANTHOOR, PATHANAMTHITTA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S)/5TH RESPONDENT:

G.SASIDHARAN NAIR
AGED 50 YEARS
FATHER'S NAME NOT KNOWN TO THE PETITIONER
THE CHIEF MANAGER, STATE BANK OF TRAVANCORE
KOZHENCHERRY BRANCH, POYYANIL PLAZA, KOZHENCHERRY.

R BY SRI.SANTHOSH MATHEW
R BY SRI.SATHISH NINAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A1 : TRUE COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT IN W.P © NO. 31768 OF 2014 DATED 9TH JANUARY 2015

ANNEXURE A2 : TRUE COPY OF THE LETTER NO. AGMV/KTM/DATED 25.02.2015 ISSUED BY THE RESPONDENT.

ANNEXURE A3 : TRUE COPY OF THE RECEIPT NO. E2 1473/2015 DATED 20.03.2015 ISSUED BYT HEELANTHOOR GRAMA PANCHAYATH

ANENXURE A3 (a) : TRUE COPY OF THE RECEIPT NO. E2 1474/15 DATED 20.03.2015 ISSUED BY THE ELANTHOOR GRAMA PANCHAYATH

ANNEXURE A3 (b) : TRUE COPY OF THE RECEIPT NO. E2 1475/15 DATED 20.03.2015 ISSUED BY THE ELANTHOOR GRAMA PANCHAYATH

ANNEXURE A3 (c) : TRUE COPY OF THE RECEIPT NO. E2/1476/15 DATED 20.03.2015 ISSUED by the ELANTHOOR GRAMA PANCHAYATH

ANNEXURE A4 : TRUE COPY OF THE LAWYER NOTICE DATED 17.03.2015

ANNEXURE A5 : TRUE COPY OF THE LAWYER NOTICE DATED 07.04.2015

ANNEXURE A6 : TRUE COPY OF THE LETTER NO. AGM VKTM DATED 20.04.2015 ISSUED BY THE BANK

ANNEXURE A7 : TRUE COPY OF THE NOTICE NO. E4/2144/15 DATED 20.04.2015 OF THE ELANTHOOR GRAMA PANCHAYATH.

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON J.

~~~~~

Cont. Case (C) No. 758 of 2015

against

W.P.(C) No. 31768 of 2014

~~~~~

Dated, this the 9th day of September, 2015

JUDGMENT

Non compliance of the direction contained in Annexure A1 judgment is sought to be proceeded against by filing this contempt matter.

2. Heard both the sides,

3. The operative portion of the judgment as contained in paragraph 8 is in the following terms :

"8. In the above circumstances, this Court finds that the reason put forth by the respondent Bank in the statement is not liable to be accepted. This Court finds that the application preferred by the petitioner for sanctioning the loan assistance requires to be considered, notwithstanding the reasons stated in the aforesaid statement, in accordance with law and necessary financial assistance to the requisite extent shall be extended to the petitioner subject to satisfaction of relevant terms and on furnishing adequate security to the satisfaction of the respondent Bank. The proceedings as above shall be

finalized at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment."

2. The learned standing counsel appearing for the respondent points out that pursuant to Annexure A1 judgment the petitioner was informed as per Annexure A2 dated 25.02.2015 as to the inadequacy of the documents found in dealing with the matter and he was required to produce some additional documents as narrated therein. These documents were never produced by the petitioner, who contended that no licence from the Panchayath was necessary for dealing with the matter. In the said circumstances, the Bank sought for clarification from the concerned Panchayath as per letter dated 18.04.2015 as to whether the petitioner was right in contending that no panchayath licence was necessary. This was replied as per Annexure A7 dated 20.04.2015 that licence from the Panchayath was very much necessary. The position was let known to the petitioner vide Annexure A6 dated 20.04.2015 insisting to produce licence from the Panchayath. The learned counsel submits that, if the petitioner produces licence issued by the local authority, all other

Cont. Case (C) No. 758 of 2015
against *W.P.(C) No. 31768 of 2014*
: 3 :

requirements mentioned in Annexure A2 could be dispensed with, except the item at serial No. 5.

3. In the above circumstance, it is for the petitioner to satisfy the requirements as above, at the earliest. On furnishing all the documents, it will be for the Bank to finalize the matter in accordance with law within one month thereafter.

In the said circumstances, no further steps are required to be considered in this contempt matter. The contempt matter is closed accordingly.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd