

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WA.No. 216 of 2015 () IN WP(C).31127/2014

AGAINST THE JUDGMENT IN WP(C) 31127/2014 of HIGH COURT OF
KERALA DATED 26-11-2014

APPELLANT(S)/PETITIONER :-

ANNIE THOMAS

W/O.THOMAS P.A., PLAKKAL HOUSE, MALA

PALLIPURAM P.O., THRISSUR DISTRICT, PIN - 680 732

BY ADVS.SRI.G.HARIHARAN

SRI.PRAVEEN.H.

RESPONDENT(S)/RESPONDENTS :-

1. M/S.UNION BANK OF INDIA
MALA BRANCH, MALA, PALLIPPURAM P.O.
THRISSUR DISTRICT, 680 732
2. THE DEPUTY TAHSILDAR (RR), KODUNGALLUR
THRISSUR DISTRICT, PIN - 680 664
3. THE VILLAGE OFFICER
POYYA VILLAGE, POYYA, MALA
THRISSUR DISTRICT., PIN - 680 733
4. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF AGRICULTURE, SECRETARIAT
THIRUVANANTHAPURM - 695 001

R2 TO R4 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

R1 BY SRI.A.S.P.KURUP, SC, UBI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.216 of 2015

Dated this the 3rd day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has filed this appeal challenging the judgment dated 26.11.2014 in W.P.(C) No.31127 of 2014.

2. The writ petition was filed seeking for a direction to consider Ext.P3 representation and for a direction to the first respondent to grant the benefits under the Debt Relief Scheme announced by the Government of Kerala in respect of agricultural loans and further to restrain respondents 2 and 3 from proceeding with Ext.P4, Revenue Recovery notice till the consideration of Ext.P3 representation.

3. In Ext.P3 representation, the petitioner had sought for computing interest on the loan account at 4% instead of 16%. He had also mentioned that he had effected a payment of ₹60,000/-.

4. When the matter was heard by the learned Single Judge, reference was made to an earlier writ petition filed by the petitioner as W.P.(C) No.20771 of 2013, which was disposed of by judgment dated 21.8.2013. By the said judgment the learned

Single Judge had permitted the petitioner to liquidate the liability by paying the balance amount in ten equal monthly instalments, to be effected from 1.10.2013. It was further observed that only partial remittances were made by the petitioner and therefore, the petitioner was not entitled for any relief in the writ petition. Accordingly, the writ petition was dismissed.

5. Learned counsel for the appellant however would submit that all payments made by him after the disposal of Writ Petition No.20771 of 2013 has not been credited into the account. This aspect of the matter has been disputed by the learned counsel for the respondent bank. He inter alia submits that petitioner is liable to pay future interest for the delayed payment as well. It is also contended that after the judgment in W.P.(C) No.20771 of 2013, only minimum payment has been made.

6. Petitioner having availed of the opportunity to liquidate the entire amount in 10 equal monthly instalments, did not remit the instalments in time, which has resulted the bank again taking proceedings against the petitioner.

7. Having regard to the above factual situation, we do not find any error in the action of the respondent bank in

initiating Revenue Recovery proceedings, on account of the fact that there is outstanding amount in the loan account of the petitioner.

8. Learned counsel for the petitioner however submits that the entire payments made by the petitioner have not been credited in the account and he is not supplied with the statement of account and in the mean time, Revenue Recovery proceedings are being continued without even taking note of the payments made by the petitioner. It is always open for the petitioner to approach the bank to obtain a statement of account with reference to the entire amounts paid by him and he can as well produce the same before the revenue authorities. Under such circumstances, we do not find any reason to interfere with the judgment of the learned Single Judge.

Reserving the right of the petitioner to approach the bank for obtaining the current statement of account, this Writ Appeal is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE