

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WA.No. 971 of 2015

AGAINST THE FINAL JUDGMENT IN W.P(C).NO.2980 OF 2015, DATED 13.02.2015

APPELLANT(S)/PETITIONER :

**SANTHOSH M.S., AGED 37 YEARS,
S/O.M.K.SOMAN, MUTHUVELIL HOUSE, BAISON VALLEY,
IDUKKI DISTRICT- 685 565.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S)/RESPONDENTS :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE STATE BANK OF TRAVANCORE,
DEVIKULAM BRANCH, REPRESENTED BY ITS BRANCH MANAGER,
DEVIKULAM P.O., IDUKKI DISTRICT-685 613.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, IDUKKI- 685 001.**
- 4. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, NEDUMKANDAM,
IDUKKI DISTRICT- 685 553.**
- 5. THE VILLAGE OFFICER,
POTTENKAD, BAISON VALLEY VILLAGE,
IDUKKI DISTRICT- 685 565.**

**R1, R3, R4 & R5 BY SR.GOVERNMENT PLEADER SRI.P.J.DAVIS
R2 BY ADV.SRI.SATHISH NINAN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.A.No.971 of 2015

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Dated this, the 29th day of May, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the appellant as well as the learned counsel appearing for the Bank.

2. This writ appeal has been filed challenging the judgment dated 13th of February, 2015 passed by the learned Single Judge in W.P (C) No. 2980/15, by which the writ petition has been dismissed. Petitioner, who had defaulted in repayment of the loan, had filed the writ petition praying for a direction to extend One Time Settlement benefit to the petitioner to close the loan account. Learned Single Judge noticing the fact that petitioner had earlier filed W.P (C) No. 22647/2011 claiming substantially the same relief, which was disposed of permitting the petitioner to pay off the outstanding amount in 12 equal monthly instalments, which order was not complied with by the petitioner, closed the writ petition. We do not find any error in the

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judgment of the learned Single Judge dismissing the writ petition.

As far as the One time Settlement claim is concerned, it is for the Bank, under the scheme formulated from time to time, to consider such request. No direction can be issued by this Court in that regard unless the right is established under some scheme. We, thus, are of the view that no error has been committed by the learned Single Judge in dismissing the writ petition. We, however, observe that the dismissal of the writ petition shall not preclude the petitioner from approaching the Bank for One Time Settlement benefit, if it is permissible under any Scheme. With this observation, writ appeal is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PA to Judge