

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYASHTA, 1937

WP(C).No. 3 of 2015 (A)

PETITIONER :

**ABDUL RAZAK K., AGED 48 YEARS,
S/O.MOOSAKUTTY, KODUNNOTTIL HOUSE,
KANDAMANGALAM (P.O), PALAKKAD DISTRICT, PIN - 678 601.**

**BY ADVS.SRI.R.O.MUHAMED SHEMEEM
SMT.NASEEHA BEEGUM P.S.**

RESPONDENTS :

- 1. THE LAND REVENUE COMMISSIONER,
EAST FORT, VELLAYAMBALAM
THIRUVANANTHAPURAMPIN - 695 010.**
- 2. THE BRANCH MANAGER
S.B.T., MANNARKKAD BRANCH, MANNARKKAD,
PALAKKAD DISTRICT. PIN - 678 582.**
- 3. STATE OF KERALA
REP. BY SECRETARY, AGRICULTURAL DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAMPIN - 695 001.**

**R1 & R3 BY GOVERNMENT PLEADER SSMT. SHERIN
R2 BY ADV. SRI.T.SETHUMADHAVAN (SR.)
R2 BY ADV. SRI.PUSHPARAJAN KODOTH
R2 BY ADV. SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

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APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF PASS BOOK ISSUED BY 2ND RESPONDENT.

**EXT.P-2: TRUE COPY OF REPRESENTATION DATED 14.5.2014 SUBMITTED BY
PETITIONER BEFORE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J.

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Dated this the 1st day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the recovery proceedings initiated by the 2nd respondent Bank for recovery of an admitted loan availed of from the 2nd respondent. The petitioner's contention is that, the petitioner has filed a representation before the 1st respondent and till such time, the recovery be kept in abeyance. On a reading of the representation, it is seen that, due to natural calamities, there was loss and hence, the petitioner was not able to pay off the amounts due in the loan account. The petitioner seeks relief insofar as remittance of the principal and the interest levied in the account. It is to be noticed that, the 1st respondent does not have any jurisdiction to grant such reliefs in a loan availed of from the 2nd respondent Bank. The petitioner if at all would have to approach the 2nd respondent Bank for such reliefs.

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3. The learned Counsel for the petitioner submits that, Ext.P2 representation may be considered as a revision under Section 83(1) of the Kerala Revenue Recovery Act, 1968 (for brevity, 'the RR Act'). Even if it is a revision, under Section 83(1) of the RR Act, the petitioner cannot seek for the relief demanded under the powers conferred on the Land Revenue Commissioner, the 1st respondent herein, by Section 83(1) of the RR Act. If the 2nd respondent has been notified under the provisions of the RR Act and the loan is one in which such recovery could be effected would be the only questions that could be considered by the Land Revenue Commissioner. Even if Ext.P2 is deemed to be a revision filed under Section 83(1) of the Act, the contention taken is not with respect to the jurisdiction.

3. In such circumstance, the pendency of Ext.P2 representation would be of no avail to the petitioner. The petitioner however shall approach the 2nd respondent Bank within two weeks from the date of receipt of the certified copy of

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this judgment and the Bank shall consider any relief that could possibly be given to the petitioner's account, so that a one time settlement can be arrived at. If the petitioner does not approach the 2nd respondent Bank with a certified copy of the judgment, the 2nd respondent Bank shall compute the amounts due and issue a fresh statement of account by registered post and the petitioner shall also be granted five monthly instalments for remittance of the same starting from 02.07.2015. Any future interest also shall be demanded as the 6th instalment. If the petitioner does not pay any one single instalment, then the Bank would be entitled to proceed for recovery.

The writ petition is dismissed with the above directions.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.