

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 76 of 2015 (H)

PETITIONER:

**K.S.MURALEEDHARAN,
PROPRITOR, MALU BRICKS, KALLUVALIL HOUSE,
PULIYUR P.O, CHENGANNUR, ALLEPPEY.**

BY ADV. SRI.N.N.SASI

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
INDUSTRIAL DEPARTMENT, TRIVANDRUM-695 001**
- 2. THE GENERAL MANAGER,
DISTRICT INDUSTRIAL CENTRE, ALLEPPEY DISTRICT,
ALLEPPEY P.O, ALLEPPEY-688 001**

R1 & R2 BY SR GOVERNMENT PLEADER SRI. P.FAZIL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 76 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE REPRESENTATION DTD 10-9-14 TO THE INDUSTRIAL MINISTER.**
- P2:- TRUE COPY OF THE ORDER DTD 11/11/2014 OF THE PRINCIPLE SECRETARY TO GOVT**
- P3:- TRUE COPY OF THE ORDER DTD 17/12/2014 OF THE 2ND RESPONDENT**
- P4:- TRUE COPY OF THE JUDGMENT IN WPC NO.19929/13 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C) No.76 of 2015 (H)

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Dated this the 14th day of January, 2015

JUDGMENT

The petitioner, who had availed of a Margin Money loan from the second respondent Bank in order to start a brick manufacturing unit, defaulted in re-payment of the same. Accordingly revenue recovery proceedings were initiated for recovery of the amounts from the petitioner. Ext.P3 is the revenue recovery notice issued by the second respondent in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Sri.N.N.Sasi, the learned counsel appearing for the petitioner and Sri.Fazil P., learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I note that the sole prayer of the petitioner is to permit him to remit the overdue amount outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:

- i) The total overdue amount due from the petitioner is stated to be Rs.2,50,000/-

together with accrued interest. Accordingly, if the petitioner remits the said amount of Rs.2,50,000/- together with accrued interest in ten equal and successive monthly installments commencing from 31.01.2015, then, the coercive steps pursuant to Ext.P3 shall be kept in abeyance.

ii) It is made clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefits of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/14/01/

