

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 160 of 2015 (T)

PETITIONER :

**P.K.ABDUL KADER,
AGED 45 YEARS,S/O.G.S.NOOR MUHAMMED,
THAYYAL PARAKKADAVU VEETIL, VALIYAPARAMB VILLAGE,
P.O.MAVILAKADAPPURAM, HOSDURG TALUK, KASARGOD DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S):

- 1. CHAIRMAN,
KERALA STATE HOUSING BOARD,
THIRUVANANTHAPURAM,PIN-695 001**
- 2. AUTHORIZED OFFICER,
REVENUE RECOVERY, KERALA STATE HOUSING BOARD,
KASARAGOD DIVISION, INDIRA NAGAR,
KASARAGOD,PIN-671 541.**
- 3. TAHSILDAR, HOSDURG, KASARAGOD,PIN-671 120**

**R1 & R2 BY SRI.GEORGE BOBAN, SC, K.S.H.B.
R3 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015,ALONG WITH WP(C).NO.166 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

sts

WP(C).NO.160/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE FORM 16 NOTICE DATED 10/11/2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- P2 COPY OF THE MEMORANDUM DATED 27/12/2014 FORWARDED BY THE PETITIONER TO THE 1ST RESPONDENT UNDER RESPONDENT UNDER REGISTERED POST.**
- P2(A) COPY OF THE POSTAL RECEIPT DATED 29/12/2014**
- P3 COPY OF THE NOTICE DATED 30/10/2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.160 OF 2015 (T)

&

W.P.(C).NO.166 OF 2015 (U)

Dated this the 6th day of January, 2015

J U D G M E N T

The petitioners had availed a loan from the respondent Board that was repayable in ten years. The petitioners committed default in the repayment of the loan, and, consequently, revenue recovery proceedings were initiated for recovery of the balance outstanding amount. The petitioners have preferred Ext.P2 representations, before the 1st respondent, seeking a lenient view in the matter, and the benefit of any concession that can be extended to the petitioners based on Ext.P3 notice. The limited prayer of the petitioners in the writ petitions is for a direction to the 1st respondent to consider and pass orders on Ext.P2 representations, and in the meanwhile, to refrain from initiating recovery steps in respect of the balance amounts outstanding from the petitioners.

2. I have heard Sri.M.V.Amaresan, the learned counsel appearing for the petitioners in both the writ petitions, Sri.George

Boban, the learned Standing counsel appearing on behalf of the respondent Board as also Sri.Shyson P. Manguzha, the learned Government Pleader appearing for the 3rd respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I dispose these writ petitions with a direction to the 1st respondent to consider and pass orders on Ext.P2 representations, filed by the petitioners before him, within a period of two months from the date of receipt of a copy of this judgment. Recovery steps for realisation of the balance loan amounts outstanding from the petitioners shall be kept in abeyance till such time as the 1st respondent passes orders on the representations and communicates the same to the petitioners.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp