

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).NO. 1108 OF 2015 (K)

PETITIONER(S) :

SONI RAJ V.S,
M/S.SPS BIO SCIENCES, VATTATHERI P.O., PALLIPORT
ERNAKULAM - 683 515.

BY ADVS.SRI.ANIL D. NAIR
SRI.R.SREEJITH
SMT. SULEKHA BEEVI C.S
SMT.ROSIE ATHULYA JOSEPH
KUM.SOUMYA PRAKASH
SMT.MANEESHA KUMAR

RESPONDENT(S) :

1. GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE, ERNAKULAM 682 030.

2. DEPUTY TAHSILDAR (RR), KOCHI 682 011.

3. STATE BANK OF INDIA,
REPRESENTED BY MANAGER, BROADWAY, ERNAKULAM - 682 011.

R3 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R-R3 BY ADV. SMT.S.AMBILY

BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 1108 OF 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF THE PROCEEDINGS OF FIRST RESPONDENT SANCTIONING
THE LOAN TO THE PETITIONER DATED 9/10/2006.

EXT.P2: TRUE COPY OF THE INVEST SUBSIDY SANCTION DATED 21/02/2009
ISSUED BY FIRST RESPONDENT TO PETITIONER

EXT.P3: TRUE COPY OF THE NOTICE FOR RECOVERY ISSUED TO PETITIONER BY
THE SECOND RESPONDENT DATED 9/12/2014

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.1108 of 2015

.....
Dated this the 30th day of January, 2015

J U D G M E N T

The petitioner who had availed of a margin money loan from the 1st respondent, defaulted in repayment of the same. Consequently, the 2nd respondent initiated proceedings under the Revenue Recovery Act to recover the loan amounts from the petitioner. Ext.P3 is the revenue recovery notice issued to the petitioner by the 2nd respondent. In the writ petition, the petitioner impugns the steps initiated by the 2nd respondent for recovery of the loan amounts.

2. I have heard Sri.Anil.D,Nair, the learned counsel for the petitioner and Smt.Ambily.S, the learned Standing counsel appearing on behalf of the respondents.

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

i. The total amount outstanding from the petitioner to the 1st respondent is stated to be Rs.2,62,146/- together with accrued interest and collection charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.2,62,146/- in eight equal and successive monthly instalments commencing from 15.02.2015, then further proceedings for recovery shall be kept in abeyance.

ii. It is made clear that if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they currently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

