

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 6561 of 2010 (U)

PETITIONERS :

- 1. AMMINI AMMA, W/O.KARUNAKARAN NAIR,
AGED 74 YEARS, PUTHUPARAMBIL HOUSE, NETTITHOZHU P.O.,
VANDANMEDU, IDUKKI DISTRICT, PIN 685 551.**
- 2. P.K. RADHAKRISHNAN NAIR, S/O.KARUNAKARAN
NAIR, AGED 44 YEARS, PUTHUPARAMBIL HOUSE,
NETTITHOZHU P.O., VANDANMEDU, IDUKKI DISTRICT
PIN 685 551.**

BY ADV. SRI.C.J.JOY

RESPONDENTS :

- 1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)
NEDUMKANDAM P.O., IDUKKI DISTRICT-685 553.**
- 2. THE VILLAGE OFFICER, ANAKKARA VILLAGE,
IDUKKI DISTRICT.**
- 3. THE FEDERAL BANK LTD., REPRESENTED BY
ITS SENIOR MANAGER, PUTTADI BRANCH, IDUKKI
DISTRICT-685 551.**
- 4. THE REGIONAL MANAGER, FEDERAL BANK LTD.,
(GRIEVANCE REDRESSAL OFFICER UNDER THE
AGRICULTURAL DEBT WAIVER & DEBT RELIEF SCHEME, 2008)
FEDERAL BANK, REGIONAL OFFICE, KOTTAYAM.**

**R1 & R2 BY GOVERNMENT PLEADER SRI. R. RANJITH
R4 BY ADV. SRI.V.J.JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE PASS BOOK OF THE 1ST LOAN ISSUED BY THE R3 TO THE PETITIONER.
- P2: COPY OF THE PASS BOOK OF THE 2ND LOAN ISSUED BY THE R3 TO THE PETITIONER
- P3: COPY OF THE REVENUE RECOVERY NOTICE DTD NIL ISSUED TO THE 1ST PETITIONER BY THE R1.
- P4: COPY OF THE REVENUE RECOVERY NOTICE DTD NIL ISSUED TO THE 2ND PETITIONER BY THE R1.
- P5: COPY OF THE AGRICULTURISTS DEBT WAIVER AND DEBT RELIEF SCHEME, 2008
- P6: COPY OF THE NOTICE DT 10/1/2009 ISSUED BY THE R3 TO THE 2ND PETITIONER.
- P7: COPY OF THE REPRESENTATION DT 29/1/2009 SUBMITTED BY THE 2ND PETITIONER TO THE R3.
- P8: COPY OF THE NOTICE DT 1//3/2009 ISSUED BY THE R3 TO TYE 2ND PETITIONER.
- P9: COPY OF THE REPRESENTATION DT 8/1/2010 SUBMITTED BY THE 2ND PETITIONER TO THE R3.
- P10: COPY OF THE REPRESENTATION DT 15/2/2010 SUBMITTED BY THE 2ND PETITIONER TO THE R4.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.6561 of 2010

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Dated this the 14th day of October, 2015

J U D G M E N T

The petitioners who had availed loan from the 3rd respondent bank approached this Court aggrieved by the steps initiated under the Revenue Recovery Act at the instance of the 3rd respondent for realisation of the defaulted loan amounts. When the matter came up for admission before this Court on 29.03.2010, this Court had granted an interim order of status quo against the recovery proceedings initiated against the petitioner. The said status quo order continues to be in force even today. On a perusal of the averments in the writ petition, I find that, the claim of the petitioner is for the benefit of a one time settlement scheme which was in vogue during the relevant time and the grievance of the petitioner in the writ petition was that the petitioners claim for the benefit of the scheme had not been considered by the 4th respondent despite the fact that, the petitioner had preferred a detailed representation namely, Ext.P10, before the said respondents.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for respondents 1 and 2.

On a consideration of the facts and circumstances of the case

and the submissions made across the bar and finding that, Ext.P10 representation preferred by the petitioner has not been considered till date by the 4th respondent. I dispose the writ petition with a direction to the 4th respondent to consider and pass orders on Ext.P10 representation within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. To protect the interest of the petitioner in the meanwhile, I direct that the interim order of status quo against recovery that was granted by this Court in the writ petition shall continue to be in force till such time as orders are passed by the 4th respondent in Ext.P10 representation as directed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

