

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 2859 of 2015 (F)

PETITIONER :

**P.S.MINIKUMARI, AGED 50 YEARS,
W/O.GOPALAKRISHNAN NAIR, PULIYURUMPIL HOUSE,
CHALAPPALLY P.O., PATHANAMTHITTA DISTRICT - 689 586.**

BY ADV. SRI.AJEESH K.SASI

RESPONDENTS :

- 1. THE TAHSILDAR (RR)
TALUK OFFICE, MALLAPPALLY - 689 584.**
- 2. STATE BANK OF TRAVANCORE
VRINDAVANAM BRANCH, KOTTANAD P.O.
PATHANAMTHITTA DISTRICT
REPRESENTED BY ITS MANAGER - 689 615.**
- 3. THE BRANCH MANAGER
STATE BANK OF TRAVANCORE, VRINDAVANAM BRANCH
KOTTANAD P.O., PATHANAMTHITTA DISTRICT - 689 615.**
- 4. THE ZONAL MANAGER
ZONAL OFFICE, STATE BANK OF TRAVANCORE, KOTTAYAM
P.B.NO. 1115, PIN - 686 002.**

**R1 BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA
R2 TO R4 BY SRI.R.S.KALKURA, SC, SBT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: A TRUE COPY OF THE NOTICE DATED 01/11/2012 ISSUED BY THE 2ND
RESPONDENT BANK.**

**EXT.P2: A TRUE COPY OF THE LETTER DATED 21/05/2012 ISSUED BY THE 2ND
RESPONDENT BANK.**

**EXT.P3: A TRUE COPY OF THE LETTER OF INFORMATION DATED 19/10/2011
ISSUED BY THE PUBLIC INFORMATION OFFICER.**

**EXT.P4: A TRUE COPY OF THE RECOVERY NOTICE UNDER SECTION 34 OF
REVENUE RECOVERY ACT.**

**EXT.P5: A TRUE COPY OF THE RECOVERY NOTICE UNDER SECTION 7 OF
REVENUE RECOVERY ACT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.2859 of 2015

.....
Dated this the 11th day of February, 2015

J U D G M E N T

The petitioner who had availed of an agricultural loan of Rs.15,000/- from the respondent bank in the year 2007, defaulted in repayment of the same. Accordingly revenue recovery steps were initiated at the instance of the respondent bank. Exts.P4 and P5 are the revenue recovery notices issued to the petitioner. 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.Ajeesh.K.Sasi, the learned counsel for the petitioner and Sri.R.S.Kalkura, the learned Standing counsel appearing on behalf of the respondent bank and also the learned Government Pleader Sri.Shyson P.Manguzha, for the 1st respondent.

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 respondent bank as of today is stated to be Rs.23,022/-. Accordingly, if the petitioner pays the aforesaid amount of Rs.23,022/- in six equal and successive monthly instalments commencing from 28.02.2015, then further proceedings pursuant to Exts.P4 and P5 revenue recovery notices 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 1st respondent will be free to continue the recovery proceedings against him from the stage at which they currently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

