

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 4286 of 2015 (I)

PETITIONER :

**A.SATHYAN, S/O APPAVU NAIDU,AGED 60 YEARS,
KAAPIVELAKATHU VEEDU, VALOOKONAM,
PANACODE P.O.-695 542.**

BY ADV. SRI.B.N.SHIVSANKAR

RESPONDENT(S):

- 1. KERALA STATE HOUSING BOARD,
NEDUMANGAD BRANCH OFFICE, NEDUMANGAD-695 542,
REPRESENTED BY ITS MANAGER.**
 - 2. THE ASSISTANT SECRETARY,
THE KERALA STATE HOUSING BOARD,
NEDUMANGAD BRANCH OFFICE, PIN:695 542.**
 - 3. THE AUTHORIZED OFFICER, (REVENUE RECOVERY)
THE KERALA STATE HOUSING BOARD,
NEDUMANGAD BRANCH OFFICE, PIN:695 542.**
 - 4. SECRETARY,
KERALA STATE HOUSING BOARD, DIVISION NO.1,
SANTHI NAGAR, TRIVANDRUM-695 001.**
 - 5. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO HOUSING,
SECRETARIAT TRIVANDRUM-695 001.**
- R1 TO R4 BY SRI.GEORGE BOBAN, SC, K.S.H.B.
R5 BY SR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 4286 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE RECEIPT FOR AMOUNT PAID BY PETITIONER
DATED 16.3.1996.**

**EXHIBIT P2: TRUE COPY OF THE NOTICE SENT BY IST RESPONDENT DATED
17.12.2014 ISSUED TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.4286 of 2015 (I)

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Dated this the 10th day of February, 2015

JUDGMENT

The petitioner, who had availed of a loan from the 1st respondent in the year 1991, defaulted in re-payment of the same. When the petitioner became a defaulter, the 2nd respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P2 is the copy of the revenue recovery notice wherein the sale of the property of the petitioner is fixed on 11.02.2015. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. Heard Sri.B.N.Shiv Shanker, the learned counsel appearing for the petitioner, Sri.George Boban, learned Standing counsel 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 total 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 amount outstanding from the petitioner to the respondent is stated to be Rs.3,91,876/- together with accrued interest. Accordingly, if the petitioner pays an amount of Rs.50,000/- on or before 28.02.2015 and pays the balance amount of Rs.3,41,876/- together with accrued interest in eight equal and successive monthly installments commencing from 30.03.2015; then, the recovery steps initiated against him, 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 benefit 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/11/02/