

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 4314 of 2015 (L)

PETITIONER(S):

**C.ANTONY,
S/O.CHELLA THAMBY NADAR, AGED 60 YEARS,
ANTO BHAVAN, NELLIKKAKUZHY, KANJIRAMKULAM P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.S.MOHAMMED AL RAFI.

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY MINISTRY OF MICRO SMALL
AND MEDIUM ENTERPRISES, UDYOG BHAVAN,
RAFI MARG, NEW DELHI-110 011.**
- 2. THE KHADI AND VILLAGE INDUSTRIES COMMISSION,
REPRESENTED BY THE DIRECTOR, GRAMODAYA,
IRLA BOARD, VILE PARLE (W), MUMBAI-400 056.**
- 3. THE KERALA KHADI VILLAGE AND INDUSTRIES BOARD,
REPRESENTED BY ITS SECRETARY, VANCHIYOOR,
THIRUVANANTHAPURAM-695 035.**
- 4. THE TAHSILDAR (REVENUE RECOVERY),
NEYYATTINKARA, THIRUVANANTHAPURAM-695 121.**

**R1 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
R2 & R3 BY ADVS. SRI.T.RAJASEKHARAN NAIR, SC,
SRI.TOM K.THOMAS, SC.
R4 BY GOVT. PLEADER SRI.SUDHEESH KUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 4314 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE SALE NOTICE NO.D5/2072/11
DATED 31/01/2015 ISSUED BY THE 4TH RESPONDENT.
- EXT.P2: TRUE COPY OF THE LETTER NO. ACCOUNTS/TRI/CBC/OTS/2012-13
DATED 04/01/2013 ISSUED BY THE 2ND RESPONDENT UNDER
RIGHT TO INFORMATION ACT.
- EXT.P3: TRUE COPY OF THE LETTER NO. ACCOUNTS/OTS/CBC/1213-14
DATED 18/04/2013 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.4314 of 2015 (L)
.....

Dated this the 27th day of February, 2015

JUDGMENT

The petitioner, who had availed of a loan from the 3rd respondent Board, defaulted in repayment of the same. Accordingly, the 3rd respondent Board initiated proceedings under the Revenue Recovery Act for recovery of the amounts from the petitioner.

2. In the writ petition, the limited prayer of the petitioner was for a direction to the respondents to consider the claim of the petitioner for waiver of the loan, which according to the petitioner was pending consideration before the 1st respondent Ministry at the instance of the 2nd respondent Commission.
3. When the matter was called up today, the learned Standing counsel for the 2nd respondent Commission would submit on instructions that the proposal for waiver of the loan has not been accepted by the 1st respondent Ministry and, therefore, there is no such proposal under consideration as of now.
4. The prayer of the petitioner, therefore, at this stage is only for a grant of installment for discharging the liability to the 3rd respondent Board.
5. I have heard Sri.S.Mohammed Al Rafi, learned counsel for the petitioner, Sri.N.Nagaresh, learned ASG appearing for the 1st respondent, Sri.T.Rajasekharan Nair, learned Standing counsel

appearing for the 2nd and 3rd respondents and Sri.Sudheesh Kumar, learned Government Pleader appearing for the 4th respondent.

On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I dispose the writ petition with the following directions:

i) The total amount outstanding from the petitioner to the 3rd respondent is stated to be an amount of Rs.11,63,000/- together with accrued interest. Accordingly, if the petitioner remits the amount of Rs.11,63,000/- together with accrued interest in twelve equal and successive monthly installments commencing from 20.03.2015, then, the recovery steps initiated by the 4th respondent at the instance of the 3rd respondent, 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 will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

