

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).NO. 4756 OF 2015 (T)

PETITIONER:

**O.N.RAMANI, AGED 47 YEARS,
W/O.T.K.RADHAKRISHNAN, THELLIPPARAMBIL, KURICHI P.O.
CHANGANACHERRY, KOTTAYAM DISTRICT**

BY ADV. KUM.D.MINI RAJAN

RESPONDENT(S):

**1. REGIONAL MANAGER,
KERALA STATE DEVELOPMENT CORPORATION
FOR SCHEDULE CASTE/ SCHEDULE TRIBE
(KSDC FOR SC/ST) NAGAMPADAM
KOTTAYAM DISTRICT PIN 696104**

**2. VILLAGE OFFICER,
KURICHI, CHANGANACHERRY KOTTAYAM, PIN 686101**

R1 BY SMT.A.SREEKALA, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).NO. 4756 OF 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF DEMAND NOTICE NO. MISC.259/08-09 DATED 28.01.2015
ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P2: TRUE COPY OF MEDICAL REPORT ISSUED FROM CHETHIPUZHA HOSPITAL,
CHANGANACHERRY DATED 17.05.2012.
- P3: TRUE COPY OF MEDICAL REPORT ISSUED FROM MEDICAL COLLEGE,
KOTTAYAM DATED 02.09.2013.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A. TO JUDGE

AS

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 4756 of 2015 (T)

.....
Dated this the 25th day of March, 2015

JUDGMENT

The petitioner, who had availed of a loan, from the respondent Corporation, defaulted in re-payment of the same. The respondent Corporation initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P1 is the demand notice issued by the 2nd respondent under the Revenue Recovery Act to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent Corporation for recovery of the loan amounts.

2. I have heard Smt.D.Mini Rajan, the learned counsel for the petitioner and Smt.A.Sreekala, the learned Standing counsel appearing for the 1st respondent.

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 respondent Corporation 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 Corporation is stated to be Rs.50,000/- together with accrued interest. Accordingly, if the petitioner remits the said amount of Rs.50,000/- together with accrued interest in ten equal and successive monthly installments commencing from 10.04.2015, then, the recovery steps initiated against them by the respondent Corporation 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 Corporation 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/25/03/

