

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No.5248 of 2015 (E)

PETITIONER:

**JYOTHILEKSHMI.G,W/O.SREEMON,SREEMANDIRATH,
KOZHIKKODE MEKKU,AYANIVELIKKULANGARA VILLAGE.**

BY ADV.SRI.M.R.SASITH PANICKER

RESPONDENTS:

- 1. DISTRICT COLLECTOR/AUTHORIZED OFFICER,
KOLLAM - 690 001.**
- 2. MANAGER,INDIAN OVERSEAS BANK,
KARUNAGAPPALLY,KOLLAM - 690 001.**
- 3. TAHSILDAR,TALUK OFFICE,KARUNAGAPPALLY,
KOLLAM - 690 001.**
- 4. VILLAGE OFFICER,AYANIVELIKKULANGARA VILLAGE,
KUNNATHUR TALUK,KOLLAM - 690 001.**

**R1,R3 & R4 BY GOVT.PLEADER SRI.SHYSON P.MANGUZHA.
R2 BY SRI.SUNIL SANKAR,S.C FOR IDB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.5248 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE DEMAND NOTICE, DTD.14/01/2015 ISSUED BY THE
3RD RESPONDENT.**

**EXT.P2:TRUE COPY OF THE DEMAND PRIOR TO THE ATTACHMENT OF LAND
NOTICE ISSUED BY THE 3RD RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.5248 OF 2015 (E)

Dated this the 19th day of February, 2015

J U D G M E N T

The petitioner, who had availed of a housing loan from the 2nd respondent bank, defaulted in repayment of the same. Consequently, the 3rd respondent initiated proceedings under the Kerala Revenue Recovery Act. Exts.P1 and P2 are the notices issued to the petitioner under the Revenue Recovery Act. In the writ petition, the petitioner impugns the steps initiated by the 3rd respondent for recovery of the loan amounts.

2. I have heard Sri.M.R.Sasith Panicker, the learned counsel appearing for the petitioner, Sri.Sunil Shanker, the learned Standing counsel appearing for the 2nd respondent bank as also Sri.Shyson P. Manguzha, the learned Government Pleader appearing for respondents 1, 3 and 4.

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 her to remit the balance amounts outstanding to the 2nd respondent 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 2nd respondent bank, is stated to be Rs.1,31,915/- together with accrued interest and other charges. Accordingly, if the petitioner remits the aforesaid amount of Rs. 1,31,915/- together with accrued interest and other charges, in six equal and successive monthly installments commencing from 2.3.2015, then the recovery steps initiated against her by the respondent bank shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, she will lose the benefit of this judgment and the 3rd respondent will be free to continue the recovery proceedings against her from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp