

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 5671 of 2015 (H)

PETITIONER :

**GIRIJA SUGUNAN,
PERUMBATTU HOUSE, PERUMBALAM P.O.,
CHERTHALA, PIN - 688 570.**

**BY ADVS.SRI.BABU CHERUKARA
SRI.P.A.SALIM
SMT.ROSAMMA MATHEW
SRI.ANZAR BASHEER
SRI.P.ANTO THOMAS**

RESPONDENT(S):

- 1. THE TAHSILDAR (RR),
CHERTHALA TALUK OFFICE,
CHERTHALA, PIN - 688 524.**
- 2. THE DISTRICT MANAGER,
KERALA STATE BACKWARD CLASSES
DEVELOPMENT CORPORATION, ALAPPUZHA, PIN - 688 001.**

**R1 BY GOVERNMENT PLEADER SRI.S.SUDHEESH KUMAR
R2 BY SRI.JAYAPRADEEP.V, SC, KSBCDC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE PHOTOSTAT COPY OF THE STATEMENT PREPARED BY THE PETITIONER FOR REMITTANCE OF A SUM OF RS.58,150/-
- EXT.P2: TRUE PHOTOSTAT COPY OF THE RECEIPT FOR PAYMENT EFFECTED THROUGH VILLAGE OFFICE PERUMBALAM DATED 26.3.2007
- EXT.P3: TRUE PHOTOSTAT COPY OF THE RECOVERY CERTIFICATE ISSUED BY EXE. ENGINEER ELECTRICAL DIVISION, ERNAKULAM DATED 29.12.12
- EXT.P4: TRUE PHOTOSTAT COPY OF THE REPLY GIVEN BY THE 2ND RESPONDENT DATED 25.3.2011
- EXT.P5: TRUE PHOTOSTAT COPY OF THE PROCEEDINGS GIVEN BY THE 1ST RESPONDENT DATED 29.5.2013
- EXT.P6: TRUE COPY OF THE JUDGEMENT IN WPC NO.18668/2013 OF THE HON'BLE HIGH COURT OF KERALA DATED 13.8.2013
- EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 12.10.2013
- EXT.P8: TRUE COPY OF THE JUDGEMENT IN WPC NO.3725/2014 OF THE HON'BLE HIGH COURT OF KERALA, DATED 18.2.2014
- EXT.P9: TRUE COPY OF THE REPRESENTATION DATED 25.2.2014
- EXT.P10: TRUE COPY OF THE REMINDER DATED 12.6.2014 BY 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.5671 of 2015 (H)

.....
Dated this the 23rd day of February, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent company defaulted in repayment of the same. When steps were taken by the company to recover the amount, the petitioner had approached this Court through W.P.(C) No.18668 of 2013, which was disposed by Ext.P6 judgment permitting the petitioner to submit a detailed representation to the 2nd respondent requesting for the benefit of One Time Settlement (for short, 'OTS'). By the said judgment, this Court also directed the respondent company to seek concurrence of the Government on the matter of extending the facility of OTS Scheme, if any, after ascertaining the actual dues of the petitioner, who was directed to be notified of the same.

2. While the petitioner preferred Ext.P7 representation pursuant to Ext.P6 judgment, she later on approached this Court through W.P.(C) No.3725 of 2014, aggrieved by the inaction on the part of the respondent company in considering her representation for OTS Scheme. On that occasion, the writ petition was disposed by Ext.P8 judgment wherein the petitioner was given a liberty to file a proper application within two weeks claiming the benefit of OTS Scheme and the respondent company was directed to

consider and pass appropriate orders thereon in terms of any relevant scheme for OTS, within a period of four weeks thereafter. The petitioner was directed to satisfy the amounts due under the scheme on receipt of the intimation from the respondent company.

3. In the present writ petition, the petitioner's grievance is that she had, pursuant to Ext.P8 judgment, filed Ext.P9 representation before the respondent company claiming the benefit of OTS and the respondent company has not responded to her claim for OTS. It is under these circumstances, and in anticipation of a threat of recovery, that the petitioner has approached this Court through the present writ petition.

4. I have heard Sri.Babu Cherukara, learned counsel for the petitioner and Sri.Jayapradeep, learned Standing counsel for the 2nd respondent.

5. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I find that although, in Ext.P8 judgment, the petitioner was given liberty to approach the respondent company through a proper application for claiming the benefit of OTS scheme, in Ext.P9 representation that was filed by the petitioner pursuant to Ext.P8, there is no

request for the extension of OTS facility. The said representation only casts certain insinuations on the affairs of the respondent company. In that view of the matter, and in absence of any notice suggesting that any recovery steps are currently pending against the petitioner, I dispose the writ petition by making it clear that, if the petitioner seeks the benefit of any OTS scheme, then it is for the petitioner to approach the respondent company with a proper representation seeking such a relief. The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/24/02/