

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 5785 of 2015 (W)

PETITIONER(S):

SREEDHARAN BHAT,
AGED 53 YEARS
S/O.LATE ACHUTHA BHAT
KUDINGILA HOUSE, P.O. YETHADKA,
KUMBDAJE VILLAGE
KASARAGOD TALUK
KASARAGOD DISTRICT - 671 551.

BY ADV. SRI.A.DINESH RAO

RESPONDENT(S):

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1. THE SECRETARY,
KASARAGOD PRIMARY CO-OPRATIVE AGRICULTURAL & RURAL
DEVELOPMENT BANK LTD. NO.FF113,
MULLERIA, KASARAGOD REPRESENTED BY ITS SECRETARY.
 2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETY
CIVIL STATION, KASARAGOD 671 123.
 3. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
SECRETARIATE, THIRUVANANTHAPURAM.

R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

R BY SRI.PUSHPARAJAN KODOTH, STANDING COUNSEL FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.5785 OF 2015

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE LOAN LEDGER DATED 5.2.2001 ISSUED BY THE FIRST RESPONDENT IN RESPECT OF L.A.NBo.114/1998-99/areca.
- EXHIBIT P2 : TRUE COPY OF THE LOAN LEDGER DATED 5.2.2001 ISSUED BY THE FIRST RESPONDENT IN RESPECT OF L.A.NO.22/1999-00/HDFC/M.
- EXHIBIT P3 : TRUE COPY OF THE SALE PROCLAMATION DATED 20.5.2014 ISSUED BY THE SALE OFFICER.
- EXHIBIT P4 : TRUE COPY OF THE COMMUNICATION DATED 9.7.2005 ISSUED TO THE PETITIONER BY THE SPECIAL SALE OFFICER.
- EXHIBIT P5 : TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT AND DATED 7.8.2005.
- EXHIBIT P6 : TRUE COPY OF THE COMMUNICATION DATED 19.6.2007 ISSUED BY THE PETITIONER TO THE SECOND RESPONDENT.
- EXHIBIT P7 : TRUE COPY OF THE ORDER ISSUED BY THE SECOND RESPONDENT AND DATED 14.8.2007.
- EXHIBIT P8 : TRUE COPY OF THE PROCLAMATION OF SALE OF PROPERTY ISSUED BY THE FIRST RESPONDENT AND DATED 14.1.2015.
- EXHIBIT P9 : TRUE COPY OF THE CIRCULAR NO.(M.S.) NO.57/13/Rev. DATED 15.2.2013.

RESPONDENT(S) EXHIBITS

NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.5785 of 2015

Dated this the 24th day of February, 2015

J U D G M E N T

The petitioner confines his relief to the benefit of Ashwas-2015 Scheme. The Scheme is a benevolent one wherein a portion of the interest component is waived. The petitioner is free to make such application before the first respondent within two weeks. The application shall be accompanied by a deposit of ₹1 lakh towards the dues.

2. The sale of the property of the petitioner slated on 25.2.2015 shall go on. But the same shall not be confirmed pending orders on the application for Ashwas-2015 Scheme. The possibility of waiving a portion of the interest and granting larger time to the petitioner to wipe off the dues shall be explored.

3. The petitioner contends that only such of the property as is necessary to satisfy the debt need be sold. The plea in other words is that the property may be sold in several lots on the same day. This course shall be adopted by the first respondent Bank if the sale does not take place on 25.2.2015 as scheduled. The copy of the accounts statement shall also be

furnished by the first respondent to the petitioner within a week.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.