

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 5931 of 2015 (N)

PETITIONER(S):

**RADHAKRISHNAN.K.R, AGED 45 YEARS
S/O.LATE RAMAN, PROPRIETOR, SREERAG ENGINEERING WORKS
KUTHIPPUZHA, MES COLLEGE P.O., MANNARKKAD
PALAKKAD DISTRICT.RESIDING AT KOZHIKOTTIL HOUSE
MALIKUNNU, THIRUVIZHAMKUNNU PO, ALANALLUR VIA
PALAKKAD DISTRICT, PIN - 678 601.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR
PALAKKAD 678 601**
- 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)
TALUK OFFICER, MANNARKKAD, PALAKKAD DISTRICT 678601**
- 3. THE VILLAGE OFFICER
ALANALLUR-I VILLAGE, ALANALLUR P.O., MANNARKKAD TALUK
PALAKKAD DISTRICT, PIN - 678 601.**
- 4. THE VILLAGE OFFICER, KOTTOPPADAM-I VILLAGE, KOTTOPPADAM
P.O., MANNARKKAD TALUK, PALAKKAD DISTRICT, PIN - 678 601.**
- 5. CANARA BANK, MANNARKKAD BRANCH, MANNARKKAD,
PALAKKAD DISTRICT, REPRESENTED BY THE BRANCH MANAGER**

**R BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN
R BY SRI.V.B.HARI NARAYANAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- TRUE OCPY OF THE MEMBERSHIP CERTIFICATE ISSUED IN THE YEAR 2004-2005

EXT.P2- TRUE COPY MEMBERSHIP CERTIFICATE ISSUED IN THE YEAR 2008-2009

EXT.P3- TRUE COPY OF THE MEMBERSHIP CERTIFICATE ISSUED IN THE YEAR 2014-2015

EXT.P4- TRUE COPY OF THE STATEMENT MAINTAINED BY THE RESPONDENT NO.5 IN RESPECT OF THE ACCOUNT RELATING TO THE OVERDRAFT FACILITY PROVIDED TO THE PETITIONER

EXT.P5- TRUE COPY OF THE DEMAND NOTICE ISSUED UNDER SEC.7 OF THE REVENUE RECOVERY ACT

EXT.P6-TRUE COPY OF THE DEMAND NOTICE PRIOR TO ATTACHMENT OF LAND

EXT.P7- TRUE COPY OF THE ATTACHMENT NOTICE ISSUED TO THE PETITIONER ON 7.2.2015

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.5931 OF 2015 (N)

Dated this the 27th day of March, 2015

J U D G M E N T

The petitioner, who had availed of an overdraft facility from the respondent bank, defaulted in repayment of the loan amounts. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act', to recover the loan amounts. Exts.P5, P6 and P7 are the notices issued to the petitioner by the respondent bank. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing for the petitioners as also the learned Standing counsel appearing for the respondent bank.

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 him to remit the balance amounts

outstanding to the 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 overdue amount, in respect of the overdraft facility availed by the petitioner, is stated to be Rs.3,58,420/- together with interest from 1.2.2015 onwards. Accordingly, if the petitioner remits the said amount of Rs.3,58,420/- together with interest from 1.2.2015 onwards in four equal and successive monthly installments commencing from 20.4.2015, and complies with the requirements insisted by the respondent bank for continuing with the overdraft facility, then the further proceedings initiated against him by the respondent bank shall be kept in abeyance.

(ii) It is further 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 bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp