

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 6695 of 2015 (J)

PETITIONER:

**SETHUMRAMALINGAM,
S/O.NAJAPPA GOUNDER,
AGED 44 YEARS,
ARAMANAKALAM,
VANNAMADA,
PALAKKAD - 678 555.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S)/RESPONDENTS:

- 1. THE TAHASILDAR
CHITTUR TALUK,
CHITTUR- 628101.**
- 2. THE DEPUTY TAHSILDAR
(REVENUE RECOVERY),
CHITTUR – 628101.**
- 3. THE VILLAGE OFFICER,
VANNAMADA VILLAGE,
VANNAMADA,
CHITTUR TALUK – 678105.**
- 4. STATE BANK OF TRAVANCORE
REPRESENTED BY ITS MANAGER,
CHITTUR BRANCH,
CHITTUR P.O.,
PALAKKAD DISTRICT.**

**R1 TO R3 BY GOVERNMENT PLEADER SOBHA ANNAMMA EAPEN
R4 BY SRI.T.SETHUMADHAVAN, SENIOR ADVOCATE
ADV. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 6695 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE WILL.

**EXT.P2: TRUE COPY OF THE LAND TAX RECEIPT IN RESPECT OF THE PETITIONERS
PROPERTY.**

EXT.P3: TRUE COPY OF THE BANK STATEMENT.

EXT.P4: TRUE COPY OF THE NOTICES DATED 23/12/2014.

**EXT.P5: TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 7 OF THE KERALA
REVENUE RECOVERY ACT.**

**EXT.P6: TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 34 OF THE KERALA
REVENUE RECOVERY ACT.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.6695 of 2015 (J)

.....
Dated this the 17th day of March, 2015

JUDGMENT

The petitioner, who had availed of an agricultural loan from the 4th respondent Bank, defaulted in re-payment of the same. When the petitioner became a defaulter, the respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P5 and P6 are the demand notices issued under Section 7 and 34 of the Kerala Revenue Recovery Act, to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Sri.Binoy Vasudevan, learned counsel appearing for the petitioner and Sri.Jayesh Mohankumar, learned Standing counsel appearing for the 4th respondent.

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 total overdue amount 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 loan as on 23.01.2015 is stated to be an amount of Rs.3,76,086/- together with accrued interest. Accordingly, if the petitioner pays the said amount of Rs.3,76,086/-, together with accrued interest, in six equal and successive monthly instalments commencing from 30.03.2015; and continues to pay the regular monthly installments as per the original loan schedule, then, the recovery steps initiated against him 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, 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/17/03/