

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 6696 of 2015 (J)

PETITIONER(S):

**KALAMANI S., AGED 38 YEARS
W/O SETHURAMALINGAM, ARAMANAKALAM, VANNAMADA P.O.
VALIYAVAMPATHY, CHITTUR TALUK, PALAKKAD DISTRICT.**

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

RESPONDENT(S):

- 1. THE TAHSILDAR
TALUK OFFICE, CHITTUR P.O., PALAKKAD DISTRICT.
PIN-678101.**
- 2. THE VILLAGE OFFICER
KOZHIPATHY VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT, PIN-678101..**
- 3. THE STATE BANK OF TRAVANCORE
CHITTUR BRANCH, PALAKKAD DISTRICT
REPRESENTED BY ITS MANAGER, PIN-678101.**

**R1 & 2 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA
R3 BY ADVS. SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 6696 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE NOTICE UNDER SECTION 7 OF THE REVENUE
RECOVERY ACT DATED 7.10.2014 ISSUED BY THE FIRST
RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE NOTICE UNDER SECTION 34 OF THE REVENUE
RECOVERY ACT DATED 7.10.2014 ISSUED BY THE FIRST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.6696 of 2015 (J)

.....
Dated this the 20th day of March, 2015

JUDGMENT

The petitioner, who had availed of an agricultural loan from the 3rd 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. Exts.P1 and P2 are the notices issued under Section 7 and 34 of the Kerala Revenue Recovery Act, 1968, 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 3rd 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 is

stated to be an amount of Rs.3,05,000/- together with accrued interest and other charges. Accordingly, if the petitioner pays the said amount of Rs.3,05,000/-, together with accrued interest and other charges, in six equal and successive monthly instalments commencing from 31.03.2015; 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/21/03/