IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 6789 of 2015 (W)

PETITIONER(S):

MUHAMMED NAZAR, AGED 51 YEARS,
S/O. ABDUL RAHIMAN, KIZHPULLYKARA,
PADIYATH KARKIDAKAVALLIYIL, ERIYAD, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENT(S):
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1. THE STATE OF KERALA,
   REP. BY THE SECRETARY TO THE GOVT.,
   REVENUE DEPARTMENT, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM-695 001.

2. THE DISTRICT COLLECTOR ,
   COLLECTORATE, AYYANTHOLE, THRISSUR-680 003.

3. THE DEPUTY TAHSILDAR (R.R.),
   THRISSUR-20.

4. THE VILLAGE OFFICER,
   KIZHPULLYKARA VILLAGE OFFICE,
   THRISSUR DISTRICT-680 001.

5. THE STATE BANK OF INDIA,
   IRINJALAKUDA BRANCH,
   REP. BY ITS BRANCH MANAGER,
   IRINJALAKUDA.

R1 TO R4 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA.
R5 BY ADV. SRI.GEORGE THOMAS (MEVADA), SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 6789 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:-

P1 : A COPY OF THE FINAL NOTICE DATED 10.01.2015 ISSUED BY THE 5TH RESPONDENT.

P2 : A COPY OF THE RECOVERY NOTICE ISSUED UNDER THE PROVISIONS OF THE REVENUE RECOVERY ACT DATED 28.01.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.6789 OF 2015

Dated this the 10th day of March, 2015

J U D G M E N T

The petitioner who had availed of a loan from the 5th respondent bank, defaulted in repayment of the same. Ext.P2 is the copy of the revenue recovery notice issued to the petitioner. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard Sri.Sreekumar, the learned counsel appearing on behalf of the petitioner as also Sri.George Thomas Mevada, the learned Standing counsel appearing on behalf of the respondent bank and also Sri.Shyam Manghuzha, the learned counsel appearing on behalf of the respondents 1 to 4.

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 instalments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total outstanding amount from the petitioner to the respondent bank, in respect of the loan, is stated to be

Rs.8,06,205/- together with accrued interest. Accordingly, if the petitioner pays an amount of Rs.2,00,000/- on or before 31.03.2015, and pays the balance amount of Rs.6,06,205/- together with accrued interest in five equal and successive monthly instalments commencing from 20.04.2015, the recovery steps initiated against the petitioner by the respondent Bank shall be kept in abeyance.

(ii) The petitioner will be free to approach the respondent bank after payment of the 1st instalment, for claiming the benefit of any one time settlement that is in vogue. If the respondent bank finds the petitioner to be entitled for the benefit of one time settlement, then the respondent bank shall extend the said facility to the petitioner and intimate him of the same,so that the balance amounts can be paid in terms of the said scheme.

(iii) It is made clear that if the petitioner commits a default in respect of any of the instalments, 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

mns