

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936**

**WP(C).No. 6931 of 2015 (N)**  
-----

**PETITIONER(S):**  
-----

- 1. MATHEW JOSEPH, AGED 60 YEARS,  
S/O LATE JOSEPH, KAVUMKAL HOUSE,  
KATTAPPANA P.O., IDUKKI DISTRICT.**
- 2. JINS MATHEW, AGED 38 YEARS, S/O MATHEW,  
KAVUMKAL HOSUE, KATTAPPANA P.O.,  
IDUKKI DISTRICT.**

**BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM)**

**RESPONDENT(S):**  
-----

- 1. DISTRICT COLLECTOR,  
IDUKKI DISTRICT, COLLECTORATE, IDUKKI P.O.,  
IDUKKI DISTRICT-685 503.**
- 2. DEPUTY TAHSILDAR,  
REVENUE RECOVERY OFFICE, NDUMKANDAM P.O.,  
IDUKKI DISTRICT-685 553.**
- 3. VILLAGE OFFICER, KATTAPPANA VILLAGE,  
OFFICE OF KATTAPPANA VILLAGE OFFICER,  
KATTAPPANA P.O., NEDUMKANDAM TALUK,  
IDUKKI DISTRICT-685 508.**
- 4. STATE BANK OF TRAVANCORE,  
REPRESENTED BY MANAGER (RECOVERY), RECOVERY CELL,  
ZONAL OFFICE, PANAMPILLY NAGAR, KOCHI-682 036.**
- 5. STATE BANK OF TRAVANCORE,  
KATTAPPANA BRANCH, REPRESENTED BY BRANCH MANAGER,  
KATTAPPANA P.O., IDUKKI DISTRICT-685 508.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA  
R4 & R5 BY SRI.SANTHOSH MATHEW,SC  
SRI.SATHISH NINAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**WP(C).No. 6931 of 2015 (N)**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

- EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 15.11.2010 ISSUED BY 2ND RESPONDENT.**
- EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 15.11.2010 ISSUED UNDER SECTION 34.**
- EXHIBIT P3: TRUE COPY OF NOTICE DATED 24.11.2014 ISSUED TO IST PETITIONER.**
- EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 24.11.2014 ISSUED TO 2ND PETITIONER.**
- EXHIBIT P5: TRUE COPY OF THE RECEIPT DATED 18.2.2015 FOR RS.14,963/- ISSUED TO IST PETITIONER.**
- EXHIBIT P6: TRUE COPY OF THE RECEIPT DATED 18.2.2015 FOR RS.14,963/- ISSUED TO 2ND PETITIONER.**

**RESPONDENT(S)' EXHIBITS:** **NIL**  
-----

**/TRUE COPY/**

**P.A.TO.JUDGE**

**sts**

**A.K.JAYASANKARAN NAMBIAR, J.**

.....  
**W.P.(C) No. 6931 of 2015 (N)**

.....  
Dated this the 5<sup>th</sup> day of March, 2015

**JUDGMENT**

The petitioners, who are faced with revenue recovery notices demanding amounts that are due from them to the 5<sup>th</sup> respondent Bank, seek the grant of installment facility for effecting the payments due to the Bank.

2. I have heard Sri.P.V.George, the learned counsel for the petitioner, Sri.Sathish Ninan, the learned Standing counsel appearing for the respondent Nos. 5 and 6 and Sri. Shyson P.Manguzha, the learned Government Pleader appearing on behalf of the respondent Nos. 1 to 4.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar and in particular the plea of financial hardship urged on behalf of the petitioners, I dispose the writ petition with the following directions :

(i) If the petitioners pay an amount of Rs.3,00,000/- to the 5<sup>th</sup> respondent on or before 31.03.2015 and remit the balance amounts pursuant to Exts.P3 and P4 notices in ten equal and successive monthly installments commencing from 20.04.2015, then, the recovery steps initiated against the petitioners for

recovery of the amounts shall be kept in abeyance.

(ii) On payment of the first installment of Rs.3,00,000/- as directed above, the 5<sup>th</sup> respondent shall furnish the petitioners with a statement of accounts, on the basis of which, the petitioners can proceed to discharge the balance liability due to the Bank.

(iii) I make it clear that, the petitioners shall effect the payment as directed in this judgment directly to the 5<sup>th</sup> respondent Bank.

(iv) It is made clear that, if the petitioners commit a default in any of the aforesaid conditions, the respondents will be free to continue the recovery proceedings against them from the stage at which they presently stand.

Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

AMV/05/03/