

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. 6966 of 2015 (U)

PETITIONER(S):

**RAMYA R., AGED 30 YEARS
D/O. P.RAMADAS, PALAKKAL HOUSE, MALAPPURAM
P.O. OLAVAKKODE, PALAKKAD-2.**

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S):

- 1. THE MANAGER, BANK OF INDIA
G.B.ROAD, PALAKKAD-678001.**
- 2. THE DISTRICT COLLECTOR
CIVIL STATION, PALAKKAD, PIN:678001.**
- 3. THE TAHSILDAR
TALUK OFFICE, MANNARKKAD, PALAKKAD DISTRICT
PIN:678 582.**
- 4. THE DEPUTY TAHSILDAR (RR)
TALUK OFFICE, MANNARKKAD, PALAKKAD DISTRICT
PIN:678 582.**
- 5. THE VILLAGE OFFICER
KOTTATHARA VILLAGE, P.O. KOTTATHARA, (VIA) AGALI
MANNARKKAD, PALAKKAD DISTRICT, PIN:678 582.**

R1 BY ADV. SRI.C.A.JOY

R1 BY ADV. SMT.LAISA B.JOSE

R BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA

**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

EXHIBIT P1: THE PASSBOOK ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER IN S.B.ACCOUNT NO.853776210000001.

EXHIBIT P1(A): THE PASSBOOK ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER IN S.B.ACCOUNT NO.853777710000115.

EXHIBIT P1(B): THE PASSBOOK ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER IN S.B.ACCOUNT NO.85373211000186.

EXHIBIT P2: A TRUE COPY OF THE STATEMENT SHOWING THE LIST OF FARMERS TO WHOM THE ASSISTANCE UNDER SHM TO BE TRANSFER CREDITED.

EXHIBIT P3: A TRUE COPY OF THE DEMAND NOTICE ISSUED BY 4TH RESPONDENT DATED 12.11.2014 TO THE PETITIONER U/S 7 OF REVENUE RECOVERY ACT.

EXHIBIT P3(A): A TRUE COPY OF THE DEMAND NOTICE ISSUED BY 4TH RESPONDENT DATED 12.11.2014 TO THE PETITIONER U/S 34 OF REVENUE RECOVERY ACT.

EXHIBIT P4: A TRUE COPY OF THE REPLY ISSUED TO THE 4TH RESPONDENT BY THE PETITIONER.

EXHIBIT P5: A TRUE COPY OF THE LETTER DATED 7.2.2015 ISSUED TO THE PETITIONER BY THE TAHSILDAR, MANNARKKAD.

EXHIBIT P6: A TRUE COPY OF THE REPRESENTATION DATED 23.2.2015 SUBMITTED TO THE 2ND RESPONDENT DISTRICT COLLECTOR BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.6966 OF 2015 (U)

Dated this the 27th day of March, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. 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.P3 and P3(a) are the demand notices issued to the petitioner under the RR Act. 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 petitioner 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 her 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 loan availed by the petitioner, after giving credit to Rs.60,000/- that was paid by the petitioner on 23.3.2015, is stated to be Rs.2,15,848/- together with accrued interest. Accordingly, if the petitioner pays the said amount of Rs.2,15,848/- together with accrued interest in six equal and successive installments commencing from 20.4.2015 and continues to keep up the regular installment payments as per the original loan schedule, then the further proceedings initiated against her 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, she will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against her from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp