

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 7511 of 2014 (L)

PETITIONER:

KUNJIKKANNAN, AGED 73 YEARS,
S/O. CHATHU, PADINJARE POOTHARAMMEL HOUSE,
KAYAKKODY VILLAGE, VADAKARA TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

1. KAKKATTIL CO-OPERATIVE RURAL BANK
REPRESENTED BY ITS SECRETARY, KAKKATTIL.P.O., VADAKARA
KOZHIKODU DISTRICT-673 507.
2. SPECIAL SALE OFFICER,
JUNIOR INSPECTOR OF CO-OPERATIVE SOCIETIES,
KAKKATTIL CO-OPERATIVE RURAL BANK, KAKKATTIL.P.O.
VADAKARA, KOZHIKODU DISTRICT, PIN-673 507.
3. THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA AND
CHAIRMAN OF MONITORING COMMITTEE
DEPARTMENT OF FINANCIAL SERVICE, MINISTRY OF FINANCE
CENTRAL SECRETARIAT, NEW DELHI.

R3 BY ADV. SRI.P.PARAMESWARAN NAIR,ASG OF INDIA

R3 BY ADV.SRI.P.NAGARESH, ASG OF INDIA.

R1 BY ADV. SRI.O.D.SIVADAS

R-R2 BY ADV. GOVERNMENT PLEADER SRI.P. FAZIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT ON
30-12-2000

EXT.P2. TRUE COPY OF THE ALLEGED APPLICATION PREPARED BY THE BANK
OFFICIALS.

EXT.P3. TRUE COPY OF THE PETITION SUBMITTED TO THE 1ST RESPONDENT DATED
21-7-2008.

EXT.P4. TRUE COPY OF THE PETITION SUBMITTED TO THE 1ST RESPONDENT DATED
2-11-2009.

EXT.P5. TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT DATED
8-9-2010.

EXT.P6. TRUE COPY OF THE REPLY SUBMITTED BY TO THE 2ND RESPONDENT DATED
27-3-2013.

EXT.P7. TRUE COPY OF THE SALE NOTICE DATED 15-2-2014 ISSUED BY THE 2ND
RESPONDENT.

EXT.P8. TRUE COPY OF EXTRACT OF THE SCHEME ANNOUNCED BY THE HON'BLE
PRIME MINISTER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.7511 of 2014

Dated this the 6th day of January, 2015

J U D G M E N T

The counter affidavit filed by the second respondent reveals that the petitioner did not avail an agricultural loan as contended. The first respondent Bank also endorses the plea of the second respondent in that regard. Therefore the petitioner is disentitled to the benefit of Agricultural Debt Waiver Scheme.

2. The petitioner has already been extended the benefit of one time settlement and also by the Kerala Debt Relief Commission. Waiver of interest was granted under the one time settlement scheme and debt relief was extended by the Kerala Debt Relief Commission. The contention that the entire loan is liable to be waived under the Agricultural Debt Waiver Scheme cannot be countenanced.

3. I however permit the petitioner to pay the balance amount due to the first respondent Bank in 6 equal monthly instalments starting from 2.2.2015. The coercive steps pursuant to Ext.P7 notice shall be put on hold if the petitioner complies with the conditions in time. The coercive steps shall surge ahead if the

petitioner commits default in the payment of any one of the instalments as directed.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.