

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 7515 of 2015 (L)

PETITIONER(S) :

GANDHI SMARAKA GRAMA SEVA KENDRAM,
S.L.PURAM, ALAPPUZHA-5688 523
REPRESENTED BY ITS GENERAL SECRETARY AND CEO
REMA RAVINDRA MENON.

BY ADVS.SRI.G.D.PANICKER
SMT.JEENA JOSEPH

RESPONDENT(S) :

1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT COLLECTOR
ALAPPUZHA-688 001.
3. THE MANAGER,
BANK OF INDIA, ALAPUZZHA BRANCH, PIN -688 001.
4. DEPUTY TAHSILDAR (RR) ,
TALUK OFFICE, CHERTHALA-688 524.

R3 BY ADV. SRI.C.A.JOY
BY GOVERNMENT PLEADER SRI.R.RENJITH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1. A TRUE PHOTOCOPY OF THE DETAILS OF PROJECTS IMPLEMENTED DURING 2011-14 BY GSGSK.
- EXT.P2. A TRUE PHOTOCOPY OF THE DETAILS OF GROUP APPLIED FOR LOAN BEFORE THE PETITIONER.
- EXT.P3. A TRUE PHOTOCOPY OF THE PROMISSORY NOTE OF THE YEAR 2006.
- EXT.P4. A TRUE PHOTOCOPY OF THE PROMISORY NOTE OF THE YEAR 2007.
- EXT.P5. A TRUE PHOTOCOPY OF THE STATEMENT KEPT BY THE PETITIONER REGARDING THE BENEFICIARY LIST.
- EXT.P6. A TRUE PHOTOCOPY OF THE LETTER DATED 16/6/2014 ISSUED BY SECRETARY, D.R.C.
- EXT.P7. A TRUE PHOTOCOPY OF THE PETITION BEFORE THE CHIEF MINISTER ON 23/10/2013.
- EXT.P8. A TRUE PHOTOCOPIES OF THE LETTER SENT BY THE SECRETARY TO GOVERNMENT TO THE BANKING COMMITTEE DATED 17/12/2014.
- EXT.P9. A TRUE PHOTOCOPY OF THE LETTER SENT BY DISTRICT COLLECTOR TO PS TO CHIEF MINISTER DATED 23/7/2014.
- EXT.P10. A TRUE PHOTOCOPY OF THE DEMAND NOTICE DATED 11/11/2014.
- EXT.P11. A TRUE PHOTOCOPY OF THE LETTER SENT BY PETITIONER TO CHIEF MINISTER DATED 20/11/2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

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Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner is a Gandhi Smaraka Grama Seva Kerndaran (GSGSK) established in the year 1958. The petitioner is also a registered society under the Travancore Cochin Literary Scientific and Charitable Societies Act, 1955.

2. The main aim of the petitioner is rehabilitation of persons with leprosy and also philanthropic activities based on the ideal of Mahathma Gandhi. They formulated a scheme for micro finance to empower the marginalised and needy people. They are also targeted to empower the artisans. For this purpose, they availed two loans from the 3rd respondent Bank. The records indicate that, the objective of the petitioner is micro financing activity to empower those marginalised categories.

3. The total amount of loans obtained by the petitioner is to the tune of ₹5.7 crores. It appears that the petitioner has repaid an amount of 6.84 crores. However, the petitioner could not service interest in monthly and loans become NPA. The total liability now remains is about 1.75 crores.

4. The case of the petitioner is that, it is on account of adverse impact on the agricultural and other related issues, the beneficiaries

could not repay the amount, which resulted in default of repayment of the loans. They are now attempting to sell a portion of the property owned by them out of one acre. They also approached the District Collector for effecting mutation. Essentially, their request before this Court is for some breathing time to pay off the entire liability.

5. The respondent Bank now initiated revenue recovery proceedings. I am of the view that, the District Collector has control over the process of recovery. Genuineness of the claim of petitioner has also to be found out by the District Collector. The petitioner's liability could be wiped off with the sale of the property, also has to be worked out by the District Collector.

6. In view of the above, the District Collector shall take appropriate decision in the matter to give sufficient time to the petitioner to pay off the entire liability, however, by protecting the interest of the Bank. Therefore, District Collector is directed to take a decision in the matter within two months from the date of receipt of a copy of this judgment. To work out any relief before the District Collector, all the coercive steps pursuant to revenue recovery proceedings against the petitioner shall be deferred for a period of two months. It is made clear that, the revenue recovery steps shall be proceeded only after obtaining necessary permission from the

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District Collector.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV