

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 7635 of 2015 (D)

PETITIONER(S):

- 1. DAMAYANTHY,
W/O.LATE SUNDARAN,
MULLAKKAL CHALLA, PERUMAATTY VILLAGE
PALAKKAD DISTRICT.**
- 2. VINOD,
S/O.SUNDARAN,
MULLAKKAL CHALLA,
PERUMAATTY VILLAGE,
PALAKKAD DISTRICT.**
- 3. VINITHA, D/O.SURENDRAN
MULLAKKAL CHALLA,
PERUMAATTY VILLAGE,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.A.K.GOPALAN
P.SAMBAN
SRI.K.R.RAMESH**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE,
SECRETARIAT,
THIRUVANANTHAPURAM
PINCODE 695001.**
- 2. THE DIST. COLLECTOR
COLLECTORATE,
PALAKKAD 678 001.**
- 3. THAHASILDAR (REVENUE RECOVERY)
TALUK OFFICE,
CHITTOOR, PALAKKAD 678 001.**
- 4. VILLAGE OFFICER,
PERUMATTI VILLAGE,
PALAKKAD 678 001.**

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5. THE MANAGER,
CANARA BANK
CHITTOOR BRANCH, PALAKKAD 678 010

6. THE MANAGER,
CANARA BANK
MEENAKSHIPURAM BRANCH,
PALAKKAD 678 035.

R1 TO R4 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN
R5 AND R6 BY SRI.PAULY MATHEW MURICKEN,SC,CANARA BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

vmr.

WP(C).No. 7635 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF NOTICE NO.R-7 2010/1574.2011/4559, 2011/4560 OF R.R
OFFICE CHITTUR, DATED 10-1-2014.**

EXT.P2 - TRUE COPY OF THE NOTICE DATED 12-12-14.

**EXT.P3 - TRUE COPY OF THE LETTER NO.57/15/RR.M(R)E.C. DATED 19-1-2015 OF THE
HON'BLE REVENUE MINISTER.**

**EXT.P4 - NOTICE ON 10-3-2015 VIDE LETTER NO.R-7.2010/1574, 2011/4559/2011/4560
DATED 21-2-2015.**

RESPONDENT(S)' EXHIBITS : NIL.

/TRUE COPY/

P.A.TO JUDGE

vmr.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.7635 of 2015 (D)

.....
Dated this the 17th day of March, 2015

JUDGMENT

The petitioners, who have availed of three loans from different branches of the respondent Bank, defaulted in re-payment of the same. When the petitioner became a defaulter, the respondent initiated revenue recovery proceedings for recovery of the defaulted installments. Ext.P4 is the demand notice issued under Revenue Recovery Act, to the petitioner in that regard. In the writ petition, the petitioners impugn the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Sri.A.K.Gopalan, learned counsel appearing for the petitioners and Sri.Pauly Mathew Murickan, learned Standing counsel appearing for the 5th and 6th respondents.

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 total overdue amount 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 amount outstanding in respect of three loans availed by the petitioners from different

branches of the respondent Bank, is stated to be an amount of Rs.21,41,187/--, together with accrued interest and other charges. Accordingly, if the petitioners pay the said amount of Rs.21,41,187/-- together with accrued interest and other charges in twelve equal and successive monthly installments commencing from 30.03.2015, then, the recovery steps initiated against the petitioner for recovery of the amounts shall be kept in abeyance.

ii. The respondent Bank will be free to adjust the amounts paid by the petitioners towards the liabilities in respect of the loans availed from various branches, as per their choice.

iii. It is made clear that, if the petitioners commit a default in respect of any of the installments, they will lose the benefit of this judgment and the respondent bank 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/17/03/