

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 7875 of 2015 (H)

PETITIONER:

**PALANISWAMY.N
S/O.NANJAPPA KOUNDER, URKULAMKADE, GOVINDAPURAM PO
ATTAYAMPATHI, MUTHALAMADA, PALAKKAD DISTRICT.**

**BY ADVS.SRI.SUBHASH CYRIAC
SMT. SHEEBA JOSEPH
SRI.BOBBOY MATHEW KOOTHATTUKULAM**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR
COLLECTORATE, PALAKKAD-678 001.**
- 2. THE TAHSILDAR (REVENUE RECOVERY),
CHITTUR, PALAKKAD-678 101.**
- 3. THE VILLAGE OFFICER,
MUTHALAMADA-1, PALAKKAD DISTRICT-678 505.**
- 4. INDIAN OVERSEAS BANK
PALAKKAD BRANCH, PIN-678 001
REP. BY ITS BRANCH MANAGER.**

R4 BY ADV. SRI.SUNIL SHANKAR, SC, INDIAN OVERSEAS BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7875 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS :

EXT P1 : TRUE COPY OF THE PATTa BY LAND TRIBUNAL.

**EXT P2 : TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 2ND
RESPONDENT DT 29.01.2015.**

**EXT P3 : TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 2ND
RESPONDENT DT 16.02.2015.**

**EXT P4 : TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 2ND
RESPONDENT DT 27.02.2015.**

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.7875 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

The petitioner, who had availed of a loan from the respondent Bank, defaulted in re-payment of the same. Consequently, the respondent bank initiated proceedings under the Revenue Recovery Act. Ext.P3 and P4 are the notices issued by the respondent to the petitioner under the Revenue Recovery Act. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. Heard Sri.Subash Syriac, learned counsel appearing for the petitioner and Sri. Sunil Shankar, learned Standing counsel appearing for the 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 amount 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 amount outstanding from the petitioner to the respondent bank in respect of the loan as on 19.3.2015 is stated to be Rs.35,62,078/- together with accrued interest. Accordingly, if the petitioner pays an amount of Rs.5,00,000/- on or before 20th April, 2015 and pays the balance outstanding of Rs.30,62,078/- together with accrued interest in 11 equal successive monthly instalments commencing from 20th May, 2015, then, the recovery steps initiated against the petitioner for recovery of the amount shall be kept in abeyance.
- ii. On the petitioner making the first payment of Rs.5,00,000/- on or before 21th April, 2015, the respondent bank shall furnish the petitioner with an up to date statement of accounts showing the balance liability to be discharged by the petitioner.
- iii. It is made clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment, and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

iv. Taking note of the submission of the counsel for the respondent bank that the same property has been offered as security for other loans availed by the petitioner and his wife, I make it clear that the discharge of liability by the petitioner under this loan account will not prejudice to the rights of the respondent bank to proceed against the said property for any default, if committed, in respect of the other loans where the same property has been offered as security.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

//true copy//

P.A to Judge

smv