

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 7927 of 2015 (M)

PETITIONER(S):

1. P P CHANDRAN, AGED 49 YEARS  
S/O. LATE PUSHKARAN, PANDARI HOUSE, PANANCHERI  
PATTIKAD P.O., THRISSUR - 680 652.
2. P. SUBHA,  
W/O. P.P. CHANDRAN, PANDARI HOUSE, PANANCHERI  
PATTIKAD P.O., THRISSUR -680 652.

BY ADV. SRI.C.E.UNNIKRISHNAN

RESPONDENT(S):

1. THRISSUR URBAN CO-OPERATIVE BANK LTD NO.87,  
HEAD OFFICE, MISSION QUARTERS, THRISSUR -680001  
REPRESENTED BY ITS GENERAL MANAGER.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES  
THIRUVANANTHAPURAM - 695 001.
3. THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,  
THRISSUR-680 001.
4. DISTRICT COLLECTOR,  
THRISSUR & ARBITRATOR (NATIONAL HIGH WAY ACT 1956)  
AYYANTHOLE, THRISSUR - 680 003.
5. DEPUTY COLLECTOR  
NHDP & SLAO, THRISSUR - 680 003.
6. THE SPECIAL TAHSILDAR (LA)  
NHDP, UNIT - 3, THRISSUR - 682020.

R1 BY ADV. SRI.C.D.DILEEP,SC,TRICHUR URBAN CO-OP. BANK LTD.  
R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7927 of 2015 (M)

## APPENDIX

### PETITIONER(S)' EXHIBITS

-----

EXHIBIT-P1-TRUE COPY OF THE AWARD NO. 766/2013 IN LAC 816/2009 DATED 24/06/2013 OF THE 4TH RESPONDENT.

EXHIBIT-P2-TRUE COPY OF THE COMMUNICATION NO. LAC 816/2009/PNY DATED 12/08/2013.

EXHIBIT-P3-TRUE COPY OF THE REPRESENTATION DATED 30/01/2014 SUBMITTED TO THE 6TH RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE LETTER DATED 28/03/2014 OF THE 1ST RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE CIRCULAR 5/2015 DATED 22/01/2015 KNOWN AS ASWAS 2015.

EXHIBIT-P5(A)-TRUE COPY OF THE CIRCULAR 9/2015 DATED 16/02/2015.

EXHIBIT-P6-TRUE COPY OF THE CIRCULAR NO. 55/2006 DATED 30/11/2006.

EXHIBIT-P7-TRUE COPY OF THE CIRCULAR NO. 30/2007 DATED 03/05/2007.

EXHIBIT-P8-TRUE COPY OF THE INTERIM ORDER DATED 28/02/2014 IN W.P(C) 5675/2014.

EXHIBIT-P9-TRUE COPY OF THE REPRESENTATION DATED 03/03/2015 SUBMITTED TO THE 1ST RESPONDENT.

EXHIBIT-P10-TRUE COPY OF THE REPRESENTATION DATED 06/03/2015 SUBMITTED TO THE 3RD RESPONDENT.

EXHIBIT-P11-TRUE COPY OF THE COMMUNICATION DATED 17/03/2014 SENT FROM THE ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES, THRISSUR TO THE 1ST RESPONDENT.

### RESPONDENT(S)' EXHIBITS

-----

EXT.R1(a) A TRUE COPY OF THE NOTICE DATED 25.10.2006 ISSUED BY THE RESERVE BANK OF INDIA TO THE FIRST RESPONDENT BANK.

EXT.R1(b) A TRUE COPY OF THE NOTICE DATED 16.2.2009 ISSUED BY THE RESERVE BANK OF INDIA TO THE FIRST RESPONDENT BANK.

EXT.R1(c) A TRUE COPY OF THE NOTICE DATED 26.3.2015 ISSUED BY THE FIRST RESPONDENT BANK TO THE PETITIONERS.

EXT.R1(d) A TRUE COPY OF THE ORDER OF THE FIRST RESPONDENT BANK ANNEXED WITH THE UNDERTAKING OF THE FIRST PETITIONER DATED 26.3.2015.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

-----  
W.P (C) No.7927 of 2015  
-----

Dated this the 8<sup>th</sup> day of April, 2015

J U D G M E N T

The first respondent Bank has filed a counter affidavit producing along with it Ext.R1(D) order. Ext.R1(D) order speaks the terms and conditions under which the liability due to the first respondent Bank has been settled. It is inter alia stated in Ext.R1(D) order as follows:-

“But the Bank is willing to consider the writ petitioners case as a special case and ready to provide some benefits for him if the petitioner is willing to settle the loan in one time settlement. The first petitioner with his son appeared before the Bank for hearing at 4 PM in the Head Office of the Bank. After discussions the Bank offered a fair and reasonable reduction of outstanding loan liability and the 1<sup>st</sup> petitioner agreed to clear off the entire liability in the above terms and executed an undertaking in writing and signing the same. The agreed amount is Rs.10,00,000/- (ten lakhs). The undertaking of the 1<sup>st</sup> petitioner is annexed with his report. The 1<sup>st</sup> petitioner agreed to handover the said

amount subjected to the disbursing of the same by the 5<sup>th</sup> and 6<sup>th</sup> respondents.”

2. Thus the amount has been rounded off to ₹ 10 lakhs to finally settle the amount due to the first respondent Bank. The fourth respondent District Collector shall disburse the amount due to the petitioners to the first respondent Bank in satisfaction of its liability. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

3. It is open to the first respondent Bank as well as the petitioners to convince the fourth respondent about the title to the property and the absence of any other rival claims.

No further directions are warranted and the Writ Petition is disposed of.

Sd/-  
V.CHITAMBARESH,  
Judge.

nj.