

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 8183 of 2015 (W)

PETITIONER(S):

**CHITRA MOHANAN @ CHITRA MOHAN, AGED 50 YEARS
W/O.VIJAYAMOHANAN, PULARI (H), KUZHIMATHIKAD
KOTTARAKKARA.**

BY ADV. SMT.G.VIDYA

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE
THIRUVANANTHAPURAMPIN - 695 001.**
- 2. THE DISTRICT COLLECTOR
CIVIL STATION, KOLLAM DISTRICT.PIN - 691 001.**
- 3. TAHSILDAR (R.R.)
KERALA STATE HOUSING BOARD, PATHANAPURAM
KOLLAM DISTRICT, PIN - 689 695.**
- 4. KERALA STATE HOUSING BOARD REPRESENTED BY
DEPUTY MANAGER
PATHANAPURAM, KOLLAM DISTRICT, PIN - 689 695.**

**R1-3 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN
R4 BY SRI.GEORGE BOBAN, SC, K.S.H.B.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT
 DATED 23.10.2014**
- EXT.P-2: THE TRUE COPY OF THE PASS BOOK AND IDENTITY CARD OF THE
 PETITIONER'S HUSBAND**
- EXT.P-3: THE TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT
 DATED 10.11.2014**
- EXT.P-4: THE TRUE COPY OF THE SALE NOTICE ISSUED BY THE 2ND
 RESPONDENT DATED 6.1.2015**
- EXT.P-5: THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
 PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 8183 of 2015
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Dated this the 23rd day of March, 2015

JUDGMENT

The petitioner, who had availed a loan from the respondent board, defaulted in repayment of the same. Consequently, the respondent board initiated proceedings under the Kerala Revenue Recovery Act, to recover the loan amounts. In the writ petition, the petitioner impugns the steps initiated by the respondent board for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as the learned Standing Counsel appearing on behalf of the respondent board.

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 her to remit the balance amounts outstanding to the board 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 overdue amount, in respect of the loan, is stated to be Rs.19,86,654/- together with accrued

interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.19,86,654/- together with accrued interest in twelve equal and successive monthly installments commencing from 20.04.2015, then the recovery steps initiated against the petitioner by the respondent board shall be kept in abeyance.

(ii) It will be open to the petitioner to approach the 4th respondent board with a request for extension of facility of One Time Settlement facility or the benefit of waiver of interest. If the petitioner approaches the respondent with the request, the 4th respondent shall consider the same and pass appropriate orders thereon. If the liability of the petitioner is reduced on account of the decision of the 4th respondent board, then the petitioner shall be obliged to pay only the reduced liability pursuant to this judgment.

(iii) It is made clear that if the petitioner commits a default in respect of any of the installments, she will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against her from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE