

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 8485 of 2015 (I)

PETITIONER : -

KARUNAKARA KURUP PUNNAPILAVIL,
S/O CHANTHU KUTTY KURUP, KUZHIKANDATHIL,
PUTHOORVATTOM, THURUTHIYAD P.O,
BALUSSERY, KOZHIKODE 673 612.

BY ADVS.SRI.SANTHARAM.P
SMT.REKHA ARAVIND

RESPONDENTS : -

1. THE SECRETARY,
KOYILANDY CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD NO. D 2020,
BALUSSERY P.O, KOZHIKODE, 673612.
2. THE REGISTRAR,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
STATUE, THIRUVANANTHAPURAM 1.

ADDL. R3 & R4 IMPEADED:

Addl.3. CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.

Addl.4. SECRETARY,
DEPARTMENT OF SCHEDULED CASTE/TRIBE DEVELOPMENT,
GOVERNMENT OF KERALA, ROOM NO.105 C, GROUND FLOOR,
NORTH BLOCK, GOVT. SECRETARIAT, THIRUVANANTHAPURAM
PIN - 695 001.

(ADDITIONAL RESPONDENTS 3 AND 4 ARE IMPEADED AS PER ORDER DATED
24.03.2015 IN IA 4348/15).

BY Sr. GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA
BY ADV. SRI.B.VJOY SANKER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 09-05-2012
ISSUED BY ADDITIONAL TAHASILDAR, KOYILANDY.

EXHIBIT P2 : TRUE COPY OF THE ORDER DATED 24-02-2009 ISSUED BY THE
KERALA STATE FARMERS DEBT RELIEF COMMISSION.

EXHIBIT P3 : TRUE COPY OF THE CIRCULAR NO 9/2009 DATED 27-02-2009.

EXHIBIT P4 : TRUE COPY OF THE LAWYER NOTICE DATED 24-02-2014 ISSUED
BY THE PETITIONER .

EXHIBIT P5 : TRUE COPY OF THE REPLY DATED 12-03-2014 ISSUED BY THE
RESPONDENT BANK.

EXHIBIT P6 : TRUE COPY OF THE INFORMATION DATED 25-03-2014 ISSUED
UNDER THE RIGHT TO INFORMATION ACT.

EXHIBIT P7 : TRUE COPY OF THE LETTER DATED 22-04-2014 ISSUED BY THE
RESPONDENT BANK.

EXHIBIT P8 : TRUE COPY OF THE REQUEST DATED 01-08-2014.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 8485 of 2015

Dated this the 17th day of June, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, who availed himself of a loan from the respondent Bank, filed the writ petition ventilating his grievance that despite payment of his share of loan amount, the respondent Bank has not released the documents, which have been provided to Bank as security.

3. The initial submission on the part of the respondent Bank is that under a loan waiver scheme Exhibit P3 benefit was extended to the petitioner who, in fact, paid his share of the loan amount. According to him, till recently the

Government paid the balance amount only on 07.05.2015. In the end, the learned counsel for the respondent Bank has submitted that now the Bank, having received the entire loan amount, does not have any objection to release the documents to the petitioner.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the respondent Bank, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the respondent Bank to release the petitioner's documents as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-