

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 8904 of 2015 (K)

PETITIONER :

**K.S.MUHAMMED,
S/O.SAIDALI HAJI, AGED 75 YEARS,
RESIDING AT KORAKKOTTIL HOUSE,
MUTHUTHALA P.O, PATTAMBI (VIA), PALAKKAD- 679 303**

**BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU**

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, OTTAPALAM, PALAKKAD- 679 101**
- 2. THE FARMERS DEBT RELIEF COMMISSIONER,
MUDAPPURA LANE, JAGATHY, THYCAUD P.O.,
THIRUVANANTHAPURAM- 695 014
REPRESENTED BY ITS SECRETARY.**
- 3. THE MANAGER,STATE BANK OF INDIA,
MUTHUTHALA BRANCH, MUTHUTHALA P.O.,
PALAKKAD -679 303**

**R1 & R2 BY GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN
R3 BY SRI.R.S.KALKURA, SC, SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 8904 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE FIRST RESPONDENT
DATED 20.06.2014**

**P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT DATED 02.03.2015**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 8904 of 2015

Dated this the 19th day of June, 2015

JUDGMENT

The petitioner availed an agricultural loan from the third respondent Bank. Consequent upon the non-payment of the loan amount, the Bank has instituted a civil suit and also initiated Revenue Recovery proceedings. In the Revenue Recovery Proceedings, the petitioner's movables are sought to be attached. The petitioner, apprehending attachment, approached this Court. The petitioner submits that he is 75 years old and the movables are part of his livelihood. The petitioner further submits that he has no other means to pay off the entire liability and he is attempting for private sale to discharge the entire liability.

Considering the facts and circumstances, this writ petition is disposed of with the following directions:

1. The petitioner shall discharge the entire liability within six months.
2. However, if the petitioner fails to pay the entire liability within six months, the Revenue Authorities are free to proceed against the petitioner in accordance with law.

3. If the petitioner is attempting a private sale, the petitioner shall deposit necessary amount for release the document from the Bank.
4. In that event of discharge of the entire liability, the Bank shall release the document to the petitioner.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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