

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 9324 of 2015 (M)

PETITIONER :

**MARIET PRAKASH,W/O.JOSEPH PRAKASH, AGED 40 YEARS,
THONIKUZHIYIL HOUSE, VAKATHANAM,
EDAMON P.O, RANNI, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. DISTRICT COLLECTOR,
CIVIL STATION, PATHANAMTHITTA-689 645.**
- 3. DEPUTY TAHSILDAR (REVENUE RECOVERY),
RANNI TALUK-689 672.**
- 4. VILLAGE OFFICER,
CHETHACKAL VILLAGE, RANNI TALUK,
PATHANAMTHITTA DISTRICT-689 672.**
- 5. STATE BANK OF TRAVANCORE,
RANNI THOTTAMON BRANCH, REPRESENTED BY ITS BRANCH MANAGER,
RANNI THOTTAMON, PATHANAMTHITTA DISTRICT-689 672.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA
R5 BY SRI.R.S.KALKURA, SC, SBT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 9324 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : TRUE COPY OF THE NOTICE NO.DT(RR) FILE NO.2014/25/3/400 DT
 23.01.2015.**

**EXT P2 : TRUE COPY OF THE NOTICE NO.DT(RR) FILE NO.2014/25/3/400 DT.
 23.01.2015.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.9324 of 2015 (M)

.....
Dated this the 6th day of April, 2015

JUDGMENT

The petitioner, who had availed of an agricultural loan from the 5th respondent Bank, defaulted in repayment of the same. The respondent Bank initiated revenue recovery proceedings for recovery of the defaulted installments. Exts.P1 and P2 are the notices issued by the 3rd respondent, to the petitioner, under Sections 7 and 34 of the Kerala Revenue Recovery Act, 1968. In the writ petition, the petitioner impugns the steps initiated by the respondent Bank for recovery of the loan amounts.

2. Heard Sri.K.S.Hariharaputhran, learned counsel appearing for the petitioner and Sri.R.S.Kalkura, learned Standing counsel appearing for the 5th respondent and Sri.Shyson P.Manguzha, the learned Government Pleader for the respondent Nos.1 to 4.

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 overdue amount to the respondent Company 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 availed by the petitioner is stated to be Rs.7,56,430/- together with accrued interest. Accordingly, if the petitioner pays the said amount of Rs.7,56,430/- together with accrued interest, in seven equal and successive monthly instalments commencing from 20.04.2015, and continues to pay the regular monthly installments as per the original loan schedule, then, the recovery steps initiated against him by the respondent bank shall be kept in abeyance.

- ii. 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/06/04/