

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 9393 of 2015 (Y)

PETITIONER :

**SHABJAN,
S/O.SALAHUDIN, AGED 45
KARIKKUZHI VEEDU, MAYYANAD
KOLLAM.**

BY ADV. SRI.ARUN BABU

RESPONDENT(S) :

- 1. THE KERALA STATE CO-OPERATIVE BANK LTD.,
KOLLAM BRANCH,
REPRESENTED BY ITS MANAGER IN CHARGE
KWA BUILDINGS, ANANDAVALLEESWARAM, KOLLAM-691 013.**
- 2. AUTHORIZED OFFICER,
THE KERALA STATE CO-OPERATIVE BANK LTD.
KOLLAM BRANCH-691 013.**

R1 & R2 BY ADV. SRI.GEORGE POONTHOTTAM, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 9393 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT P1 : THE TRUE COPY OF THE LETTER DATED 2.3.2000 ISSUED BY THE
RESPONDENT TO THE PETITIONER.**
- EXT P2 : THE TRUE COPY OF THE LETTER DATED 3.1.2007 ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONER.**
- EXT P3 : THE TRUE COPY OF THE SUMMONS DATED 3.4.2007 ISSUED IN
ARC 84/02 TO THE PETITIONER.**
- EXT P4 : THE TRUE COPY OF THE NOTICE ISSUED BY 2ND RESPONDENT
DATED 29.11.2014.**
- EXT P5 : THE TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONER
BEFORE THE CHIEF MINISTER OF THE STATE DATED 18.3.2015.**
- EXT P6 : THE TRUE COPY OF THE CIRCULAR NO.09/2015 DATED 16.2.2015 BY
THE REGISTRAR OF COOPERATIVE SOCIETIES.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 9393 of 2015

Dated this the 14th day of July, 2015

J U D G M E N T

The petitioner, a defaulter of the loan amount, has approached this Court seeking for a direction to the respondents to allow the benefit of ASHWAW scheme. This Court directed the respondent bank to consider the request of the petitioner under ASWAS Scheme. Accordingly the petitioner made request and the bank directed the petitioner to remit Rs.18,95,000/- on or before 30.04.2015. The petitioner submits that he is prepared to pay the above amount.

2. The learned Counsel for the bank points out that period of ASWAS Scheme was over on 30.4.2015, therefore, the bank cannot accede to the request of the petitioner.

3. Considering the factual situation, I am of the view that the bank cannot consider the request of the petitioner under ASWAS Scheme. However, the Board of Directors of the bank is having sufficient power to consider any

concession for settlement of dues. Therefore, the petitioner shall make a request before the Board of Directors of the bank within one week. Thereafter, the Board of Directors shall consider the request to be made by the petitioner within a further period of one month. To workout the above reliefs, coercive proceedings shall be deferred in tune with the above directions.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/