

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No.9530 of 2015 (M)

PETITIONER:

**MAKKUNNI @ KUNHIMAN,S/O.APPU,AGED 81 YEARS,
KUTTATH HOUSE,EDAPPAL.P.O,MALAPPURAM DISTRICT-679577.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS:

- 1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE,CIVIL STATION,PONNANI.P.O
MALAPPURAM-679576.**
- 2. THE MANAGER,STATE BANK OF TRAVANCORE,
PONNANI BRANCH,PONNANI.P.O,MALAPPURAM-679576.**
- 3. THE MANAGER,STATE BANK OF INDIA,
PONNANI BRANCH,PONNANI.P.O,MALAPURAM-679576.**
- 4. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 5. KERALA STATE FARMER'S DEBT RELIEF COMMISSION,
REPRESENTED BY ITS SECRETARY,
AGRICULTURE URBAN WHOLESALE MARKET,
VENPALAVATTOM,ANAYARA.P.O,
THIRUVANANTHAPURAM-695029.**

**R1 & R4 BY GOVERNMENT PLEADER SRI.SAIDALAVI K.K
R2 BY SRI.T.SETHUMADHAVAN (SENIOR ADVOCATE.)
SRI.K.JAYESH MOHANKUMAR
R3 BY SRI.R.S.KALKURA,SC,SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.9530 OF 2015

Dated this the 1st day of April, 2015

J U D G M E N T

The petitioner, who had availed of two agricultural loans from the 2nd and 3rd respondent banks, defaulted in repayment of the same. Consequently, the respondent banks 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 banks for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing counsel appearing on behalf of the respondent banks and also the learned Government Pleader for respondents 1,4 and 5.

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 balance amounts outstanding to the respondent banks in easy instalments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioner to the 2nd respondent bank is stated to be Rs.1,01,500/- together with accrued interest from 07-11-2014. Similarly, the total amount outstanding from the petitioner to the 3rd respondent bank is stated to be Rs.90,547/- together with accrued interest from 19.06.2011. Over and above these amounts, the petitioner will also liable for collection charges to the State for the revenue recovery action. Thus, if the petitioner pays the said amounts of Rs.1,01,500 and Rs. 90,547/- respectively, together with accrued interest, to the 2nd and 3rd respondent banks, in eight equal and successive monthly instalments commencing from 20.04.2015, then further proceedings for recovery shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against them from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

