

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 10250 of 2015 (E)

PETITIONERS:

1. **SANTHU.A.R,KKP SADANAM CHOOZHA ARYANADU,
NEDUMANGAD,TRIVANDRUM.**
2. **REEJA.C,W/O.SANTHU,ARKKP SADANAM CHOOZHA ARYANADU,
NEDUMANGAD,THIRUVANANTHAPURAM.**

BY ADV.SRI.M.R.SARIN

RESPONDENTS:

1. **SPECIAL DEPUTY TAHSILDAR (R.R.),KSFE LTD.
OFFICE OF SPECIAL TAHSILDAR AKSHAYA SHOPPING COMPLEX,
NEYATTINKARA,TRIVANDRUM-695 121.**
2. **MANAGER,KSFE LTD.,CHALA BRANCH,
TRIVANDRUM-695 121.**
3. **SPECIAL DEPUTY TAHSILDAR (R.R.) KSFE LTD.
NEW TRIDA CENTRE,2ND FLOOR,MEDICAL COLLEGE P.O.
TRIVANDRUM-695 121.**

**BY SRI.LAL GEORGE,SC,KSFE
SRI.ALEXANDER.C.V.,SC,KSFE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.10250 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1:TRUE COPY OF DEMAND NOTICE ON 12.3.2015 ISSUED BY THE 1ST
RESPONDENT TO THE 1ST PETITIONER.**

**EXT.P2:TRUE COPY OF DEMAND NOTICE ISSUED UNDER 12.3.2015 OF REVENUE
RECOVERY ACT BY 1ST RESPONDENT TO THE 2ND PETITIONER.**

**EXT.P3:TRUE COPY OF DEMAND NOTICE ISSUED UNDER 11.2.2015 OF REVENUE
RECOVERY ACT BY 3RD RESPONDENT TO THE 2ND PETITIONER.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 10250 of 2015 (E)

.....
Dated this the 7th day of April, 2015

JUDGMENT

The petitioners, who have been served with a revenue recovery notice, issued at the instance of the 2nd respondent Company, for recovery of the loan amounts which they had defaulted, have approached this Court praying for the grant of installments for regularising the loan amounts. In the writ petition, the revenue recovery notices are impugned.

2. I have heard Sri.M.R.Sarin Panicker, learned counsel for the petitioner and Sri.C.V.Alexander, learned standing counsel for the 2nd respondent

2. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I note that the sole prayer of the petitioner is to permit him to remit the total amount outstanding 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 is stated to be an amount of Rs.27,78,008/- together with accrued interest. Accordingly, if the petitioners

remit the said amount of Rs.27,78,008/- together with accrued interest, in eight equal and successive monthly installments commencing from 30.04.2015, and continues to pay the regular monthly installments as per the original loan schedule, then, the recovery steps initiated against him by the respondents shall be kept in abeyance.

- ii. It is made clear that, if the petitioners commit a default in respect of any of the installments, they 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/07/04/