

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 10786 of 2015 (W)

PETITIONER(S):

**SHANTY JOSE,
W/O.JOSE O.D. (LATE), OLLUKKARAN HOUSE,
CHEMBUKKAVE, THRISSUR DISTRICT.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY REVENUE SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT - 680 001.**
- 3. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR, 'BHADRATHA'
MUSEUM ROAD, P.B.NO.510, THRISSUR DISTRICT - 680 020.**
- 4. THE SPECIAL DEPUTY TAHSILDAR (RR-V),
OFFICE OF THE SPECIAL DEPUTY TAHSILDAR (RR-V),
KSFE LTD., P.B.NO.510, CHEMBUKKAVU,
THRISSUR DISTRICT - 680 020.**

**R1 & R2 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN
R3 & R4 BY ADVS. SRI.V.N.SASIDHARAN., SC
SRI.ALEXANDER.C.V., SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10786 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF ORDER NO.E.C.301/13 OF THE 1ST RESPONDENT
DATED 07/11/13.**

EXT.P2: TRUE COPY OF LETTER ISSUED BY 4TH RESPONDENT DATED 25/11/2014.

**EXT.P3: TRUE COPY OF NOTICE OF ATTACHMENT IN SDT/TSR/3336-3339/13-14
DATED 24/02/2015.**

EXT.P4: TRUE COPY OF LETTER ISSUED BY 4TH RESPONDENT DATED 09/03/2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.10786 of 2015

.....
Dated this the 9th day of April, 2015

J U D G M E N T

The petitioner who had availed of four loans from the respondent company, defaulted in repayment of the same. Consequently, the respondent company initiated proceedings under the Kerala Revenue Recovery Act. Ext.P3 is the notice of attachment issued in respect of properties of the petitioner. In the writ petition, the petitioner impugns the steps initiated by the respondent company for recovery of the loan amounts.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

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 company 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 respondent company in respect of the four loans is stated to be Rs.23,06,168/- together with accrued interest and other charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.23,06,168/- in eight equal and successive monthly instalments commencing from 30.04.2015, 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, she will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against her from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

