

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 15667 of 2015 (G)

PETITIONER : -

RAKESH.K.G, AGED 42 YEARS,
S/O.GOPALANACHARY,KAVUNGAL PUTHEN VEEDU,
KANJIRAKODU CHERY, MULAVANA VILLAGE,
KOLLAM DISTRICT.

BY ADVS.SRI.R.SURAJ KUMAR
SRI.SUNIL J.CHAKKALACKAL
SMT.V.BEENA
SMT.V.DEEPA

RESPONDENTS : -

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE JOINT REGISTRAR,
DEPARTMENT OF CO-OPERATION, KOLLAM-691001.
3. NADAKKAL SERVICE CO-OPERATIVE BANK,
NADAKKAL, KOLLAM DISTRICT – 691 001,
REPRESENTED BY ITS BRANCH MANAGER.
4. THE SPECIAL SALE OFFICER,
NADAKKAL SERVICE CO-OPERATIVE BANK LTD. NO.1674,
ASSISTANT REGISTRAR (GENERAL) OFFICE, KOLLAM. - 691 001.

BY Sr. GOVERNMENT PLEADER SRI. K.I.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT-P1 : TRUE COPY OF THE NOTICE OF DEMAND DATED 26.03.2013 AND
TRANSLATION.

EXHIBIT-P2 : TRUE COPY OF THE NOTICE OF SALE DATED 08.10.2014 AND
TRANSLATION.

EXHIBIT-P3 : TRUE COPY OF THE APPLICATION DATED 29.10.2014 ISSUED BY
THE 4TH RESPONDENT AND TRANSLATION.

EXHIBIT-P4 : TRUE COPY OF THE REPRESENTATION DATED 21.02.2015 AND
TRANSLATION.

EXHIBIT-P5 : TRUE COPY OF THE INTIMATION DATED NIL AND TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 15667 of 2015

Dated this the 03rd day of June, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, who challenges the recovery proceedings initiated against him by the fourth respondent for an amount of Rs.7,14,236/-, which fell dues towards a business loan, has a grievance that despite Exhibit P5 communication by the second respondent and Exhibit P4 representation by the petitioner, the fourth respondent has been proceeding with recovery of the loan amount. Aggrieved thereby, questioning the in-action of the fourth respondent in considering petitioner's Exhibit P4 representation as well as abiding by Exhibit P5 directive by

the second respondent, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner, drawing my attention to Exhibit P5, has contended that the second respondent has directed the fourth respondent to include the petitioner's name in loan relief scheme and take steps to close the said loan account within a period of one month. According to him, in the wake of Exhibit P5, though the petitioner has submitted Exhibit P4 representation, the fourth respondent has so far not considered it.

4. The learned Government Pleader, on the other hand, has submitted that if the petitioner is eligible under Aswas Scheme, the fourth respondent may not have any objection to consider petitioner's claim in accordance with law.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader for the respondents, this Court, without advertng to the merits of the matter, disposes of present writ petition with a direction to the fourth respondent to consider petitioner's Exhibit P4

representation especially keeping in view Exhibit P5 communication issued by the second respondent and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observations, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-