IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 16512 of 2015 (L)

PETITIONER(S):

SREEJITH K.K., AGED 30 YEARS,
S/O. VELAYUDHAN, KARAKKADA HOUSE, KODAKARA P.O.,
CHALAKUDY TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.N.L.BITTO.

RESPONDENT(S):

----

1. STATE OF KERALA,
   REPRESENTED BY SECRETARY TO THE GOVERNMENT,
   REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM-695 001.

2. THE DISTRICT COLLECTOR,
   COLLECTORATE, AYYANTHOLE,
   THRISSUR-680 001.

3. TAHSILDAR,
   CHALAKUDY TALUK OFFICE, CIVIL STATION,
   CHALAKUDY, THRISSUR DISTRICT-680 001.

4. VILLAGE OFFICER, KODAKARA VILLAGE,
   KODAKARA, THRISSUR DISTRICT-680 001.

5. THE BANK OF INDIA,
   CHALAKUDY BRANCH, REP. BY ITS MANAGER,
   CHALAKUDY, THRISSUR DISTRICT-680 001.

R1 TO R4 BY GOVT. PLEADER SMT.SOBHA ANNAMMA EAPEN.
R5 BY ADV. SRI.P.C.CHACKO, SC.

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

rs.

WP(C).No. 16512 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: **A TRUE COPY OF THE NOTICE U/S 7 REVENUE RECOVERY ACT ISSUED BY TAHSILDAR CHALAKUDY DATED 22.05.2015.**

EXHIBIT P2: **A TRUE COPY OF THE NOTICE U/S 34 REVENUE RECOVERY ACT ISSUED BY TAHSILDAR CHALAKUDY DATED 22.05.2015.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.A. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.16512 of 2015

Dated this the 3rd day of June, 2015

J U D G M E N T

The petitioner availed a loan from the 5th respondent Bank. Since the petitioner defaulted in repaying the loan amount, the Bank initiated revenue recovery proceedings. Aggrieved by the same, he has filed this writ petition.

2. The learned counsel for the petitioner submits that, the petitioner is prepared to clear the entire overdue amount and he may be permitted to regularise the account. The petitioner seeks indulgence of this Court for granting him an opportunity to regularise the loan account after clearing the overdue amount in equal monthly installments.

3. The learned Standing Counsel for the Bank opposes the prayers of the petitioner and submits that the petitioner is a chronic defaulter and he has to clear the dues immediately.

4. Considering the facts and circumstances of the case, I am of the view that, the petitioner may be given an opportunity to clear the entire overdue amount in six equal monthly installments along with regular EMIs. The first installment shall be effected on or before 15.06.2015. If the petitioner clears the entire overdue amount as per the direction stipulated above, the account shall be regularised.

If the petitioner commits default with regard to the satisfaction of the overdue amount or if any two consecutive defaults are made with regard to the regular monthly installments, the Bank is at liberty to proceed with further steps for realisation of the entire amount in lump, by pursuing such steps from the stage where it stands now. In order to facilitate the petitioner to comply with the above directions, all recovery proceedings shall be kept in abeyance.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV