

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 17258 of 2015 (F)

PETITIONER :

**VINO PAUL, AGED 36 YEARS,
CHAIRMAN & CEO, VISION INDIA CHARITABLE TRUST
KEERTHY HOUSE, 13/635 (3), MANKAVU
PALAKKAD 678 001**

**BY ADVS.SRI.SHABU SREEDHARAN
SRI.S.VIJAYAN
SRI.K.P.UNNIKRISHNAN (ELOOR)
SRI.V.N.MOHAN RAJ
SMT.RESHMA ABDUL RASHEED**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 001**
- 2. THE DEPUTY TAHASILDAR,
REVENUE RECOVERY, ALATHUR, PALAKKAD 678 541**
- 3. THE CHIEF MANAGER,
DHANALAKSHMI BANK, SULTHANPET, PALAKKAD 678 581**

**R1 & R2 BY GOVERNMENT PLEADER SMT. SHEEBA M.T.
R3 BY SRI.C.K.KARUNAKARAN,SC,DHANALAKSHMI BAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT
DATED 5.11.2014

EXT.P2: THE TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT
DATED 9.1.2015

EXT.P3: THE TRUE COPY OF THE INTIMATION DATED 24/2/2015

EXT.P4: THE TRUE COPY OF THE REPRESENTATION DATED 13/3/2015

EXT.P5: THE TRUE COPY OF THE REPRESENTATION DATED 13/3/2015

EXT.P6: THE TRUE COPIES OF THE TAX RECEIPT AND THE POSSESSION
CERTIFICATE DATED 4/4/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17258 of 2015

Dated this the 10th day of June, 2015

JUDGMENT

The petitioner is the Chairman and CEO of Vision India Charitable Trust, engaged in Micro Finance to help the poor people. They have obtained a loan from the third respondent and advanced finance to the poor people. On account of the default committed by the beneficiaries from the petitioner, they were unable to discharge the liability to the Bank. Accordingly, the Bank initiated Revenue Recovery Proceedings. In the meanwhile, the petitioner approached the Government and sought an instalment facility. The Government also granted instalment facility. However, the petitioner did not honour the instalment facility. The petitioner now seeks indulgence of this Court to clear the entire liability with twelve months period by sale of immovable property belong to them.

2. It is admitted that the petitioner is having a property in Survey No.97/2. The petitioner's case is that they are attempting for private sale to raise the fund for discharging the liability.

3. Learned counsel for the Bank opposes the prayers of the petitioner and submits that the petitioner was given loan without obtaining any security.

Considering the activities of the petitioner, I am of the view, the petitioner should be given sufficient time to clear the liability. Therefore, this writ petition is disposed of with the following directions:

1. The petitioner shall deposit title deed of the property referred in Ext.P6 with the respondent Bank within three weeks.
2. The petitioner is given six months time from today to clear the entire liability.
3. The petitioner shall give an undertaking before the Bank that they will not alienate or transfer the property referred in Ext.P6 without permission from the Bank.
4. The Bank need to release the documents, only in the event the petitioner discharge the entire liability.
5. To work out the above reliefs, revenue recovery proceedings against the petitioner shall be suspended for the period mentioned as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In