

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 18479 of 2014 (H)

PETITIONER(S):

**P.T.KUNJALIKUTTY, AGED 62 YEARS
S/O.KUNJAHAMMED, PARAYAMTHODIKA HOUSE
HIGH SCHOOL ROAD, NILAMBUR-679329.**

**BY ADVS.SRI.N.M.MADHU
SMT.C.S.RAJANI**

RESPONDENT(S):

- 1. THE MALAPPURAM DISTRICT COLLECTOR,
COLLECTORATE, MALAPPURAM-676 505.**
- 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
NILAMBUR TALUK, TALUK OFFICE, NILAMBUR-679329.**
- 3. THE BRANCH MANAGER,
KERALA GRAMIN BANK LTD., NILAMBUR BRANCH, NILAMBUR
PIN-679329.**

**R3 BY ADV.SRI.T.R.RAVI, SC, S.MALABAR G. BANK
R BY GOVERNMENT PLEADER SRI.SAIDALAVI.K.K.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: COPY OF THE STATEMENT OF ACCOUNTS GIVEN BY THE THIRD RESPONDENT FOR THE PERIOD 29.10.2005 TO 14.11.2011.

EXT.P2: COPY OF THE RECEIPT ISSUED BY THE THIRD RESPONDENT AGAINST THE PAYMENT ON 14.11.2011.

EXT.P3: COPY OF THE LAWYER NOTICE DATED 24.07.2013.

EXT.P4: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ON 12.08.13 TO THE CHAIRMAN OF 3RD RESPONDENT BANK.

EXT.P5: COPY OF THE REPLY DATED 3.10.13 TO EXT.P4.

EXT.P6: COPY OF THE APPLICATION UNDER RTI ACT DATED 30.10.2013 SEEKING STATEMENT OF ACCOUNTS.

EXT.P7: COPY OF THE REPLY DATED 28.11.13 TO EXT.P6.

EXT.P8: COPY OF THE REPLY DATED 03.03.2014.

EXT.P9: COPY OF THE NOTICE UNDER SEC.7 OF R.R. ACT.

EXT.P10: COPY OF THE NOTICE UNDER SEC.34 OF R.R. ACT.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.18479 OF 2014 (H)

Dated this the 1st day of April, 2015

J U D G M E N T

The petitioner, who had availed of an agricultural loan from the respondent bank and defaulted in repayment of the same, approached this Court when he was faced with revenue recovery action initiated at the instance of the respondent bank. In the writ petition, the petitioner raised various allegations regarding the computation of the amounts that are stated to be due from him. In that sense, there is a dispute with regard to the liability itself. The prayer in the writ petition is for a direction to quash Exts.P9 and P10 revenue recovery notices that were served on him.

2. The learned Standing counsel for the 3rd respondent bank has filed a statement wherein it is averred that the petitioner had not made any payment into the loan account from April, 2007 onwards. It is stated that on 14.11.2011, he remitted an amount of Rs.10,00,000/-, and that the amount outstanding in the account as on 29.7.2011, exclusive of interest from March, 2011 was Rs.10,37,000/-. It is

stated that the writ petition was filed when revenue recovery steps were initiated in 2014, for recovery of the balance amounts due from the petitioner. The respondent bank has since filed O.S.No.104/2015 before the Munsiff Court, Manjeri, for recovery of a sum of Rs.1,98,412/-, which is stated to be outstanding from the petitioner as on today.

3. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case also also the submissions made across the bar and especially, taking note of the fact that, on the petitioner making a payment of Rs.25,000/- in the year 2014, there was an interim stay of recovery granted to the petitioner in the writ petition, and further, that the respondent bank has now filed a suit before the Munsiff Court, Manjeri, for recovery of amounts outstanding from the petitioner, I am of the view that, on the facts of this case, the continuation of the recovery proceedings initiated against the petitioner, will have to

await the outcome of the suit, before proceeding further. Thus, I dispose the writ petition by making the interim order of stay against recovery proceedings absolute till such time as O.S.No.104/2015 before the Munsiff Court, Manjeri, is disposed by that court.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp