

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 18308 of 2015 (K)

PETITIONERS :

1. SHANAVAS, AGED 32 YEARS,
S/O. UMMER HAJI, CHOLAMUGHATHU HOUSE,
THAZHAKODE WEST P.O., PERINTHALMANNA
MALAPPURAM REPRESENTED BY POWER OF
ATTORNEY HOLDER - M AYAMU HAJI , AGED 55 YEARS,
S/O. MOHAMMAD ALI HAJI, MADATHODI HOUSE,
THELAKKAD P.O., PATTIKKAD (VIA), PERUNTHALMANNA TALUK,
MALAPPURAM DISTRICT
2. M AYAMU HAJI, AGED 55 YEARS,
S/O. MOHAMAD ALI HAJI, MADATHODI HOUSE, THELAKKAD P.O.,
PATTIKKAD(VIA) PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT
3. FATHIMA SUHRA M., AGED 26 YEARS,
W/O. SHANAVAS, CHOLMUGHATHU HOUSE,
THAZHAKODE WEST P.O., PERINTHALMANNA, MANAPPURAM
4. MOHAMMED SHAFEER C.M., AGED 29 YEARS,
S/O. UMMER HAJI, -DO-

BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.M.M.VINOD KUMAR
SMT.K.M.RAMYA
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER

RESPONDENTS :

1. KERALA STATE FINANCIAL ENTERPRISE LTD.
PERINTHALMANNA BRANCH, PERINTHALMANNA, MALAPPURAM
2. DEPUTY TAHSILDAR,(REVENUE RECOVERY)
KERALA STATE FINANCIAL ENTERPRISES, PALAKKAD

R1 BY ADV. SRI.P.V.LONACHAN,SC,
BY SRI.ALEXANDER.C.V., SC,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: PHOTOCOPY OF THE R.R NOTICE ISSUED BY 2ND RESPONDENT
DATED 23-10-14.

EXHIBIT P1(A): PHOTOCOPY OF THE -DO-

EXHIBIT P1(B): PHOTOCOPY OF THE -DO-

EXHIBIT P1(C): PHOTOCOPY OF THE -DO-

EXHIBIT P1(D): PHOTOCOPY OF THE -DO-

EXHIBIT P1(E): PHOTOCOPY OF THE -DO-

EXHIBIT P1(F): PHOTOCOPY OF THE NOTICE DATED 27-10-14.

EXHIBIT P2: PHOTOCOPY OF THE LETTER BEARING NO PKD/4569/14-15
DATED 12-12-2014.

EXHIBIT P3: PHOTOCOPY OF THE RECEIPT DATED 22-4-2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 18308 of 2015

Dated this the 1st day of July, 2015

J U D G M E N T

The petitioner are defaulters of Chitty Transactions in KSFE. It appears that the petitioners have also approached the Government and Government provided instalment facility on condition that, petitioners shall remit 30% of the amount before 10.01.2015. It appears that, the petitioners have remitted 30% vide Ext.P3, after the period granted by the Government. Petitioners submit that they may be permitted to clear the entire amount in 40 instalments.

2. Learned counsel for the respondent opposes the prayer of the petitioners.

3. Taking note of the facts and circumstances that the petitioners already paid certain amounts, I am of the view that the petitioners should be given sufficient time to discharge the entire liability. Therefore the following directions are issued:

(i) The institution is directed to convey the total liability with all the charges as on 30.06.2014 within two weeks to the petitioners.

(ii) The 2nd respondent shall compute the liability of the petitioners.

(iii) Petitioners shall discharge the entire liability, so computed, in monthly instalments of ₹1.5 lakhs starting from 25.07.2015.

(iv) If the petitioners commit default in paying any one of the instalments, the institution is free to proceed against the petitioners.

(v) The recovery proceedings shall be deferred in tune with above directions.

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn