IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 19872 of 2015 (H)

PETITIONER(S):

BALAKRIHNA PALERI, AGED 68 YEARS,
S/O.RAMAN, 'ROHINI', PONNAMBARA,
PERINGOME, P.O. PERINGOME,
KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN.

RESPONDENT(S):
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1. SPECIAL TAHSILDAR (R R),
   TALIPARAMBA, KANNUR DISTRICT, PIN-670 141.

2. VILLAGE OFFICER, PERINTHATTA,
   P.O. ARAVANCHAL, PIN-673 353.

3. DISTRICT COLLECTOR, KANNUR, PIN-670 001.

4. MANAGER, SYNDICATE BANK, PERINGOME,
   P.O. PERINGOME, KANNUR DISTRICT, PIN-670 354.

R1 TO R3 BY GOVT. PLEADER SMT.M.T. SHEEBA.
R4 BY ADV. SRI.R.S. KALKURA, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 19872 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1	**TRUE COPY OF COUNTER FOIL RECEIPT OF SYNDICATE BANK DATED 06-12-2012.**
EXHIBIT P1(A)	**TRUE COPY OF COUNTER FOIL RECEIPT OF SYNDICATE BANK DATED 10-05-2013.**
EXHIBIT P1(B)	**TRUE COPY OF COUNTER FOIL RECEIPT OF SYNDICATE BANK DATED 19-12-2013.**
EXHIBIT P1(C)	**TRUE COPY OF COUNTER FOIL RECEIPT OF SYNDICATE BANK DATED 29-01-2014.**
EXHIBIT P1(D)	**TRUE COPY OF COUNTER FOIL RECEIPT OF SYNDICATE BANK DATED 26-08-2014.**
EXHIBIT P2	**TRUE COPY OF REVENUE RECOVERY NOTICE DATED 05-6-2015 COLLECTORATE FILE NO.2015/29089/13 ISSUED BY 4TH RESPONDENT BANK MANAGER TO THE PETITIONER.**
EXHIBIT P3	**TRUE COPY OF ADDITIONAL INFORMATION DATED 17-09-2013 FORWARDED BY THE 4TH RESPONDENT TO THE DISTRICT COLLECTOR.**
EXHIBIT P3(A)	**TRUE COPY OF CLAIM CERTIFICATE DATED 17-09-2013 ISSUED BY BANK BEEN FORWARDED TO THE THE DISTRICT COLLECTOR, KANNUR BY THE 4TH RESPONDENT.**

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

//TRUE COPY//

P.S. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J.

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W.P(C). No. 19872 of 2015

Dated this the 13th day of July, 2015

<u>J U D G M E N T</u>

The petitioner is a surety to an educational loan. This has become in arrears. The Bank initiated revenue recovery proceedings.

2. The case of the petitioner is that, he has not given interest subsidy and interest subsidy has to be adjusted against liability. The total liability now demanded is ₹4,53,000/-.

3. The learned counsel for the Bank submits that, the total arrears as on date is ₹1.10 lakhs and Bank claimed the entire amount before the expiry of the term on account of the loan has become NPA. The repayment started from 31.08.2012 and petitioner failed to remit regular EMI thereafter.

4. Considering the fact that the term of the loan is not over, this Court is of the view that the petitioner shall pay the entire arrears along with regular EMI in six instalments starting from August 2015 onwards. If the petitioner remits the amount as above, the Bank shall regularise the account.

5. With respect to the claim for subsidy, the petitioner

shall make a request before the District Collector along with details within two weeks from the date of receipt of a copy of this judgment. Thereafter, the District Collector shall pass appropriate orders after hearing the petitioner and Manager of the Bank within one month. The amount, if any, entitled shall be credited to the petitioner's liability towards interest due. However it is made clear that, this will not stand in the way of the petitioner remitting the arrears along with regular EMI as ordered above. If the petitioner commits default in honouring any one of the conditions as above, the Bank is free to proceed against the petitioner. To work out the reliefs as above, the revenue recovery proceedings shall be deferred in tune with the above directions. It is made clear that, the further revenue recovery proceedings shall be initiated by the Bank only on being satisfied with the non-compliance of the direction.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn