

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 24438 of 2010 (D)

PETITIONER:

JOY JOSEPH, S/O. IYPE, MUNDACKAL HOUSE,
44/236A, S.R.M. ROAD, ERNAKULAM
KOCHI-682018.

BY ADVS. SRI. K. J. JOSEMON
SRI. MATHEW SKARIA

RESPONDENTS:

1. THE SALE OFFICER/CO-OPERATIVE SOCIETIES
SENIOR INSPECTOR, THE POTHANICAD FARMERS
CO-OPERATIVE BANK GROUP, OFFICE OF THE
ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) OFFICE
KOTHAMANGALAM PIN - 686691.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) KOTHAMANGALAM, PIN-686691.
3. THE MANAGING DIRECTOR, THE POTHANICAD
FARMERS CO-OPERATIVE BANK LTD., NO.3510,
POTHANICAD PIN-686671.
4. THE REGISTRAR CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695001.
5. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT
DEPARTMENT OF CO-OPERATION
SECRETARIAT, THIRUVANANTHAPURAM - 695001.

R3 BY ADV. SRI. P. V. BABY
R3 BY ADV. SRI. R. KIRAN
BY GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : PHOTOCOPY OF THE DEMAND NOTICE DATED 09.10.2009 UNDER RULE 74(3) ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 : PHOTOCOPY OF THE DEMAND NOTICE DATED 09.10.2009 UNDER RULE 74(3) ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P3 : PHOTOCOPY OF THE AUCTION NOTICE DATED 13.11.2009 IN RESPECT OF O.L. 2194.
- EXHIBIT P4 : PHOTOCOPY OF THE AUCTION NOTICE DATED 13.11.2009 IN RESPECT OF O.L. 2195 IS PRODUCED
- EXHIBIT P5 : PHOTOCOPY OF THE AUCTION NOTICE DATED 14.12.2009 PUBLISHED BY THE 1ST RESPONDENT.
- EXHIBIT P6 : PHOTOCOPY OF THE NOTICE NO. 1049/2009 DATED 04.01.2010 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXHIBIT P7 : PHOTOCOPY OF THE PETITION DATED 30.01.2010 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P8 : PHOTOCOPY OF THE CIRCULAR NO. 5/2009 DATED 29.01.2009 ISSUED BY THE 4TH RESPONDENT REGISTRAR CO-OPERATIVE SOCIETIES.
- EXHIBIT P9 : PHOTOCOPY OF THE ORDER NO. 136/2010 DATED 08.07.2010 PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P10 : PHOTOCOPY OF THE CIRCULAR NO. 2/2010 DATED 14.01.2010 ISSUED BY THE 4TH RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 24438 OF 2010

Dated this the 29th day of January, 2015

JUDGMENT

The petitioner contends that the interest component should not exceed the principal amount. Reliance is placed on Exts.P8 and P10 circulars in this regard. It is the case of the petitioner that excess amount has therefore to be reimbursed to him. The amounts have been realised by sale of the property conducted by the first respondent.

2. I permit the petitioner to submit a detailed representation to the second respondent. Such representation if filed within one month from today shall be dealt with by the second respondent within one month therefrom. The petitioner as well as the third respondent shall be put on notice and heard in the exercise.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd