

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 21148 of 2015 (P)

PETITIONER(S):

**T.MOHAMMED ASLAM, AGED 58 YEARS,
S/O. LATE HASSAINAR HAJI, PROPRIETOR FANCY FOOTWEAR,
RAILWAY STATION ROAD, KOTTACHERY, P.O., KANHANGAD,
KASARAGOD DISTRICT, RESIDING AT ATHINJAL,
AJANUR VILLAGE, HOSDURG TALUK, P.O. MANIKOTH,
KASARAGOD DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S):

- 1. CANARA BANK,
KANHANGAD BRANCH, REPRESENTED BY ITS SENIOR MANAGER,
HAVING ITS OFFICE AT KOTTACHERY BALLA VILLAGE,
HOSDURG TALUK, P.O. KANHANGAD-671315.**
- 2. TAHSILDAR,
HOSDURG TALUK (REVENUE RECOVERY), SDT, TALUK OFFICE,
HOSDURG-671315.**
- 3. DEPUTY TAHSILDAR,
ENDO SULFAN CELL, COLLECTORATE,
KASARAGOD DISTRICT-671315.**
- 4. THE DISTRICT COLLECTOR,
CIVIL STATION, KASARAGOD DISTRICT-671315.**
- 5. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM-695001.**

**R1 BY SRI.PAULY MATHEW MURICKEN,SC,
R2-5 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 21148 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: THE TRUE COPY OF THE PETITION FILED FOR EXECUTION OF DECREE**
- EXHIBIT P2: THE TRUE COPY OF THE NOTICE ISUED BY THE 2ND RESPONDENT.**
- EXHIBIT P3: THE TRUE COPY OF THE JUDMENT IN O.P.(C) NO.3547/2013 ON THE FILE OF HON'BLE HIGH COURT OF KERALA.**
- EXHIBIT P4: THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE BANK.**
- EXHIBIT P5: THE TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE DISTRICT COLLECTOR.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21148 of 2015

Dated this the 15th day of July, 2015

JUDGMENT

The petitioner availed a business loan from the respondent Bank. The petitioner also stood as a guarantor for the loan availed by one Abdulla. The petitioner impugns revenue recovery proceedings. It appears that the Bank has proceeded against the petitioner by executing the decree in relation to the loan availed by the petitioner in respect of which the petitioner stood as the guarantor. The petitioner appears to have approached this Court and obtained Ext.P3 judgment to clear the liability on or before 30.4.2014. The petitioner did not comply with the above direction. The present prayer of the petitioner is that he may be given three months time to clear the liability under both loans. Apart from the above, the petitioner had made a request before the District Collector, Kasaragod by Ext.P5 for writing off the liability as the petitioner claims that he is one of the endosulfan victims.

In view of the pendency of Ext.P5, there shall be a direction to the District Collector to consider Ext.P5 after hearing the

petitioner and the officials of the Bank within a period of six weeks from the date of receipt of a copy of this judgment. The petitioner is given three months time to discharge the entire liability on condition that the petitioner remits Rs.50,000/- within one month. In the event, if the petitioner fails to honour the condition or clear the liability within the time granted above, the Bank is free to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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