

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 21344 of 2015 (P)

PETITIONER(S):

1. **M/S.SHREE SANKARI FARMS PRIVATE LIMITED.,
25, SREE PADMA NAGAR, PAZHAVANGADI,
FORT, TRIVANDRUM-695 023
(SIGNED THROUGH ITS SUBSCRIBER/MANAGING DIRECTOR S.SUNDARA
RAJU,25, PADMA NAGAR, PAZHAVANGADI, FORT, TRIVANDRUM-695 023)**
2. **MR.S. SUNDARA RAJU, AGED 63 YEARS,
S/O LATE SRI. RANGA SWAMY, 25, PADMA NAGAR,
PAZHAVANGADI, FORT, TRIVANDRUM-695 023.**
3. **MRS. SANKARI.S.,AGED 50 YEARS,
W/O SUNDRA RAJU, 25, SREE PADMA NAGAR,
PAZHAVANGADI, FORT, TRIVANDRUM-695 0233**

**BY ADVS.SRI.K.K.VIJAYAN
SMT.MINI GANGADHARAN**

RESPONDENT(S):

1. **THE AUTHORISED OFFICER/MANAGER,
UNION BANK OF INDIA, KARAMANA BRANCH,
TRIVANDURM-695 002**
2. **NATIONAL HORTICULTURAL BOARD,
MINISTRY OF AGRICULTURE, 7, BLOCK-II,
SIDCO READY MADE GRAMENT COMPLEX, 2ND FLOOR,
MODULE NO: 3GUINDY, CHENNAI-600 032**

**R1 BY SRI.A.S.P.KURUP, SC, UBI
R2 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF RECALL LETTERS DT. ISSUED TO THE PETITIONERS
- EXT.P2: TRUE COPY OF RECALL LETTERS DT ISSUED TO THE PETITIONERS
- EXT.P3: TRUE COPY OF LETTER OF INTENT (LOI) UNDER
SCHEME "DEVELOPMENT OF COMMERCIAL HORTICULTURE THROUGH
PRODUCTION AND POST HARVEST MANAGEMENT" ISSUED BY THE
2ND RESPONDENT
- EXT.P4: TRUE COPY OF APPLICATIONS (4 IN NUMBER) SUBMITTED BY THE
PETITIONERS DT. 29/10/2012
- EXT.P5: TRUE COPY OF APPLICATIONS SUBMITTED BY THE PETITIONERS 1 AND
3 DT. 25/3/15 REQUESTING RELEASE OF SUBSIDY AMOUNT AND
EXTENSION OF TIME.
- EXT.P6: TRUE COPY OF APPLICATIONS DT. 12/5/15 REQUESTING EXTENSION OF
TIME FOR REPAYMENT
- EXT.P7: TRUE COPY OF REPRESENTATION DT. 13/5/15 (3 IN NUMBERS) AS REPLY
TO THE RECALL LETTER
- EXT.P8: DEMAND NOTICES UNDER SECTION 13(2) OF THE SARFAESI ACT
ISSUED TO THE PETITIONERS

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21344 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

Petitioners availed four agricultural loans and two housing loans from the respondent Bank. The term of the agricultural loans is over and the term of the housing loans is not over. However, on account of the reason that the agricultural loan accounts have become Non-Performing Asset (NPA), the Bank initiated recovery proceedings to recover the entire amount due under six loan accounts.

2. This Court on 20.7.2015, directed the petitioners to remit Rs.4 lakhs. It is admitted by the petitioners that they have remitted Rs.4 lakhs.

3. It is submitted by the learned standing counsel for the Bank that more than Rs.52 lakhs is due from the petitioners.

Considering the facts and circumstances, this writ petition is disposed of with the following directions:

- i. The petitioners are directed to discharge the liability in four agricultural loans in six equal monthly instalments starting from the month of September, 2015 as well as the defaulted arrears in the housing loans along with the regular EMI in the housing loans during the above period.
- ii. If the petitioners discharge the liability in the agricultural loans and clears the overdue amount in the housing loans, the Bank shall regularize the housing loan accounts.
- iii. If the petitioners fail to remit anyone of the instalments, the Bank is free to proceed against the petitioners in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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