

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 21640 of 2015 (D)

PETITIONER(S):

**HAMZA KANNANTHODI, S/O.KOYAMMU,
AGED 60 YEARS, KANDOLATHU VEEDU, KIZHISSERI,
KUZHIMANNA, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS.

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, KONDOTTY,
MALAPPURAM DISTRICT, PIN-679 322.**
- 2. THE CANARA BANK, KONDOTTY BRANCH,
REPRESENTED BY ITS MANAGER.**

**R1 BY GOVT. PLEADER SMT.LILLY K.T.
R2 BY ADV. SRI.V.B.HARI NARAYANAN, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE SANCTION MEMORANDUM ISSUED BY THE SECOND RESPONDENT DATED 11.03.2014.
- EXT.P2: TRUE COPY OF THE RECEIPT DATED 04.12.2014 ISSUED FROM THE OFFICE OF THE CHIEF MINISTER.
- EXT.P3: TRUE COPY OF THE COVERING LETTER DATED 23.02.2015 TO THE CHIEF MINISTER OF KERALA.
- EXT.P3(A): TRUE COPY OF THE RECEIPT DATED 11.03.2015.
- EXT.P4: TRUE COPY OF THE COVERING LETTER DATED 23.02.2015 TO THE MINISTER OF INDUSTRIES.
- EXT.P5: TRUE COPY OF THE COVERING LETTER DATED 23.02.2015 TO THE EXTERNAL AFFAIRS.
- EXT.P6: TRUE COPY OF THE RECEIPT DATED 13.04.2015 ISSUED FROM THE OFFICE OF THE CHIEF MINISTER.
- EXT.P7: TRUE COPY OF THE PAPER REPORT PUBLISHED IN THE MATHRUBHUMI DAILY DATED 30.08.2014.
- EXT.P8: TRUE COPY OF THE PAPER REPORT PUBLISHED IN THE MADHYAMAM DAILY DATED 01.04.2015.
- EXT.P9: TRUE COPY OF THE RECEIPTS.
- EXT.P10: TRUE COPY OF THE PLAINT AND ITS NOTICE IN O.S.NO.75 OF 2015.
- EXT.P11: TRUE COPY OF THE NOTICE ISSUED BY THE FIRST RESPONDENT.
- EXT.P12: TRUE COPY OF THE NOTICE ISSUED BY THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.21640 OF 2015 (D)

Dated this the 2nd day of November, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act', for recovery the loan amounts. In the writ petition, the petitioner is aggrieved by the steps with which the respondents are proceeding against him. It is also his case that he is entitled to subsidy amounts from the Government which have not been given credit to by the respondent bank. Counsel for the respondent bank would submit that the overdue amount in respect of the loan availed by the petitioner, is Rs.1,29,400/-, together with the suit expenses of Rs.20,000/-, making the overdue amount, as of today, Rs.1,50,000/-. It is submitted that if the petitioner can pay the said amount and regularise the loan account, then the recovery proceedings can be kept on hold. It is also submitted that any subsidy amount that the petitioner is entitled to get, can only be adjusted towards the loan amount at the end of the loan period, and not at this stage. Taking note of the said submission

of counsel for the respondents, and finding that the plea of the petitioner is essentially for grant of time to regularise the account, I dispose the writ petition with the following directions:

(i) The total overdue amount, in respect of the loan availed by the petitioner including the suit expenses incurred by the respondent bank, is stated to be Rs.1,50,000/- together with accrued interest. Accordingly, if the petitioner pays the said amount of Rs.1,50,000/- together with accrued interest in six equal and successive monthly installments commencing from 30.11.2015, and continues to keep up the regular installment payments as per the original loan schedule, then the further proceedings initiated against him by the respondent bank shall be kept in abeyance.

(ii) It is further made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/2/11/15