

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 22676 of 2015 (H)

PETITIONER :

PRASANNA AMMA
D/O. LEKSHMI AMMA, AGED 53
CHALIL HOUSE, KURUMBRAKAD
IYAD AMSOM VEERIAMBARAM DESOM,
IYAD P.O., KOILANDY TALUK
KOZHIKODE - 673 587.

BY ADVS.DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SMT.C.K.LEKHAMMA
SMT.R.UDAYA JYOTHI
SRI.PRATHAP S.R.K.
SMT.M.SUSEELA
SMT.MARY JOHN
SRI.S.SIDHARDHAN

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE - 673 020.
2. THE TAHSILDAR (RR)
CIVIL STATION, KOZHIKODE - 673 020.
3. CANARA BANK,
THAMARASSERY BRANCH, KOZHIKODE - 673 573
RPERESNTED BY ITS BRANCH MANAGER.
4. THE SUB REGISTRAR
BALUSSERY, KOZHIKODE - 673 612.
5. K. VIJAYAN NAIR,
S/O. PARVATHY AMMA, AGED ABOUT 63
CHALIL HOUSE, KURUMBRAKAD
IYYAD AMSOM, VEERIAMBARAM DESOM, IYYAD P.O.,
KOILANDY TALUK, KOZHIKODE - 673 587.

R1, R2 & R4 BY GOVT. PLEADER SMT. M.T. SHEEBA
R3 BY ADV. SRI.PAULY MATHEW MURICKEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 22676 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE SALE DEED NO. 2676/04 DATED 3-11-2004.
- EXHIBIT P2 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 4.12.2004.
- EXHIBIT P-3 TRUE COPY OF THE LETTER DATED 3-11-2004 ISSUED BY THE BANK.
- EXHIBIT P-4 TRUE COPY OF THE MEMORANDUM OF AGREEMENT WITH THE
BANK.
- EXHIBIT P5 TRUE COPY OF THE STATEMENT OF ACCOUNTS DATED 26-12-2012
ISSUED BY THE BANK.
- EXHIBIT P-6 TRUE COPY OF THE PLAINT DATED 10-01-2013 IN OS NO. 62/2013 ON
THE FILE OF THE SUB COURT, KOZHIKODE.
- EXHIBIT P7 TRUE COPY OF THE JUDGMENT DATED 11-04-2012 IN EXT. P-6 SUIT.
- EXHIBIT P-8 TRUE COPY OF THE ORDER DATED 7--11-2015 ISSUED BY THE 2ND
RESPONDENT.
- EXHIBIT P9 TRUE COPY OF THE SETTLEMENT DEED DATED 1-12-2000.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 22676 of 2015

Dated this the 30th day of July, 2015

J U D G M E N T

The petitioner is a co-obligant for the land purchase loan availed by the 5th respondent. Petitioner has approached this Court aggrieved by initiation of revenue recovery proceedings as per Ext.P8.

2. Petitioner's only prayer now before this Court is that, the petitioner may be permitted to discharge the entire liability and the attachment made as per Ext.P8 may be lifted.

3. It is submitted by the learned counsel for the Bank that the total liability of the petitioner is ₹11,42,496/- along with further interest.

Considering the facts and circumstances following directions are issued:

- (i) Petitioner shall remit ₹1,00,000/- within one month from today.
- (ii) Thereafter petitioner shall remit ₹50,000/- every month for a period of 5 months and in the 6th month the entire balance amount shall be paid in lump sum.
- (iii) If the petitioner approaches the Bank with a buyer, the Bank

will make every endeavor to release the property covered by Ext.P8, on condition that the sale amount will be deposited with the Bank towards the loan arrears.

(iv) If petitioner fails to comply with any one of the conditions the Bank is free to proceed against the petitioner.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn