

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23057 of 2015 (F)

PETITIONER(S) :

**ANU VIDHYADHARAN, AGED 40 YEARS,
S/O. VIDHYADHARAN, BINU SADANAM, MITHRAPURAM,
PARANTHAL, ADOOR, PATHANAMTHITTA, PIN- 689 501.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S) :

- 1. THE UNION BANK OF INDIA, ADOOR BRANCH
REPRESENTED BY ITS BRANCH MANAGER, ADOOR, ADOOR TALUK,
PATHANAMTHITTA DISTRICT- 689 501.**
- 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
ADOOR TALUK, ADOOR, PATHANAMTHITTA DISTRICT- 689 501.**
- 3. THE VILLAGE OFFICER,
VILLAGE OFFICE, PERINGANAD- 689 511.**
- 4. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

**R1 BY ADV. SRI.A.S.P.KURUP, S.C, UBI
R2 TO R4 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 23057 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT-P1: TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE
COMMISSIONER DATED 13/02/2015 TO HAND OVER VACANT
POSSESSION OF THE PROPERTY**

**EXHIBIT-P2: TRUE COPY OF THE NOTICE UNDER SECTION 7 OF THE REVENUE
RECOVERY ACT TO ATTACH THE MOVABLES.**

**EXHIBIT-P3: TRUE COPY OF THE NOTICE UNDER SECTION 34 OF
THE REVENUE RECOVERY ACT.**

**EXHIBIT-P4: TRUE COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER,
PERINGANAD DATED 29/06/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 23057 of 2015

Dated this the 06th day of August, 2015

JUDGMENT

The petitioner, defaulter to the respondent-Bank was threatened with revenue recovery proceedings. The petitioner availed a housing loan from the respondent-Bank.

2. The learned counsel for the petitioner submits that before the revenue recovery demand, he has paid the overdue amount and the Bank shall also regularise the account.

3. The petitioner submits that under duress he paid the collection charges. The petitioner approached this Court for refund of collection charges collected by the revenue recovery officers. The petitioner also submits that on account of the issue relating to the revenue recovery proceedings, the Bank is also not collecting EMI.

4. The petitioner, in fact, paid the collection charges. There is nothing to indicate that the payment was effected under protest. The collection charges can be collected by the Revenue Recovery Authority, if any, proceedings are initiated for the revenue recovery.

5. Noting that the petitioner has paid the amount along with interest, the prayer for refund is declined. In that view of the matter, the Bank is directed to accept all EMI from the petitioner and to regularise the account.

The writ petition is disposed of as above. No costs.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr