

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 24763 of 2015 (U)

PETITIONER(S):

**JAMES JOSEPH, AGED 54 YEARS,
S/O. JOSEPH, CHETHILANGATTU (H), KOOTHRAPALLY,
KARUKACHAL P.O., KOTTAYAM DISTRICT - 686 540.**

BY ADV. SRI.LIJOY P.VARGHESE

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM DISTRICT - 686 001.**
- 2. THE DEPUTY TAHSILDAR (RR),
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT - 686 101.**
- 3. THE VILLAGE OFFICER,
KARUKACHAL VILLAGE, KOOTHRAPALLY P.O.,
KOTTAYAM DISTRICT - 686 540.**
- 4. THE BRANCH MANAGER
STATE BANK OF TRAVANCORE, KARUKACHAL BRANCH,
KOTTAYAM DISTRICT - 686 540.**

R1-3 BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN

R4 BY ADV. SRI.R.S.KALKURA, SC,

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - THE TRUE COPY OF THE DEMAND NOTICE U/S 7 OF THE REVENUE RECOVERY ACT.
- P2 - THE TRUE COPY OF THE DEMAND NOTICE U/S 34 OF THE REVENUE RECOVERY ACT.
- P3 - THE TRUE COPY OF THE PASS BOOK ISSUED BY THE 4TH RESPONDENT BANK FOR LOAN ACCOUNT NO. (ACC) 67058962362, LOAN ACCOUNT NO. (AR) 67058961266 AND LOCAN ACCOUNT NO. 67173842975.
- P4 - THE TRUE COPY OF THE LETER DT. 29.4.2015 RECEIVED FROM THE 4TH RESPONDENT.
- P5 - THE TRUE COPY OF THE LETTER DT. 18.5.2015 RECEIVED FROM THE 4TH RESPONDENT.
- P6 - THE TRUE COPY OF THE LETTER DT. 09.5.2015 RECEIVED FROM THE 4TH RESPONDENT.
- P7 - THE TRUE COPY OF LETTER DT. 19.6.2015 RECEIVED FROM THE 4TH RESPONDENT.
- P8 - THE TRUE COPY OF THE LAND TAX RECEIPT DT. 13.8.2013 BELONGING TO THE PETITIONER.
- P9: THE TRUE COPY OF THE MEDICAL CERTIFICATE DATED 16/9/15 ISSUED BY DR.R.PADMAKUMAR, GOVT.HOSPITAL, CHANGANASSERY
- P10: THE TRUE COPY OF THE O.P.TICKET DATED 5/9/15 ISSUED FROM THE GOVT.GENERAL HOSPITAL, CHANGANASSERY.

RESPONDENT(S)' EXHIBITS

- R1(A): TRUE COPY OF THE STATEMENT OF ACCOUNT MAINTAINED BY THE R4 IN RESPECT OF THE KISAN CASH CREDIT LIMIT ACCOUNT NO.67058962362, FOR THE PERIOD FROM 15/2/12 TO R1/8/15.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.24763 of 2015
.....
Dated this the 13th day of October, 2015

J U D G M E N T

The petitioner who had availed of an agricultural loan from the respondent bank and defaulted in repayment of the same, approached this Court challenging the recovery steps initiated by the respondent bank for recovery of the defaulted loan amounts. When the matter came up for admission, this Court taking note of the plea of financial hardship urged on behalf of the petitioner, granted an interim stay of recovery on condition that, the petitioner remitted an amount of Rs.10,000/- within three weeks from 18.08.2015. Thereafter, the petitioner did not comply with the said order but instead sought for further time to remit the said amount of Rs.10,000/-. The matter was therefore adjourned to 09.09.2015, 25.09.2015, 01.10.2015 and 05.10.2015, and thereafter, to 13.10.2015 for enabling the petitioner to remit Rs.10,000/- that was directed to be paid by the interim order dated 18.08.2015. When the matter was called up today, it is submitted that, the petitioner has still not paid the amount that was directed to be paid. Under the said circumstances, I am of the view that, the petitioner is not entitled to the discretionary relief of this Court

under Article 226 of the Constitution of India, in the present writ petition.

Resultantly, the writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/13.10.15

