

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 26167 of 2015 (U)

PETITIONER(S):

**CHANDRAN.T AGED 71 YEARS
S/O. LATE THETHAN, PARAKKATTU HOUSE, VENOLI
PUTHUSSEERI P.O., PALAKKAD.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S):

- 1. THE TAHSILDAR
TALUK OFFICE, PALAKKAD-678 001.**
- 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)
TALUK OFFICE, PALAKKAD-678 001.**
- 3. THE INDIAN OVERSEAS BANK
PALAKKAD BRANCH, G.B.ROAD, PALAKKAD-678 001
REPRESENTED BY ITS MANAGER.**

**R3 BY ADV. SRI.SUNIL SHANKAR, SC, INDIAN OVERSEAS BANK
R BY GOVERNMENT PLEADER, SRI. LIJU V. STEPHEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 26167 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 : COPY OF THE KISAN CARD NO.491994 ISSUED TO THE PETITIONER
 BY THE 4TH RESPONDENT.**
**EXT.P2 : COPY OF THE NOTICE DTD.22.7.2015 UNDER SECTION 34 OF THE
 KERALA REVENUE RECOVERY ACT.**
**EXT.P3 : COPY OF THE NOTICE ISSUED UNDER SECTION 37 OF THE KERALA
 REVENUE RECOVERY ACT.**

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 26167 of 2015

Dated this the 9th day of September, 2015

JUDGMENT

The petitioner, who had availed of a Cash Credit facility from the 3rd respondent Bank, defaulted in repayment of the same. The respondent bank, therefore, initiated proceedings under the Kerala Revenue Recovery Act, for recovery of the amounts. When the matter came up for admission, it is submitted by the learned Standing Counsel for the respondent bank that the petitioner had earlier approached the Lok Adalath and by an award dated 06.12.2014, the matter was settled between parties for a consolidated amount of Rs.48,000/- out of which the respondent was to pay a sum of Rs.10,000/- on or before 31.12.2014 and amounts of Rs.12,000/- each in the month of January and February, 2015. Thereafter, the balance amount of Rs.14,000/- was to be paid on or before 30.03.2015. It is pointed out that the petitioner did not comply with the terms of the Award of the Lok Adalath.

2. I have heard the learned counsel appearing for the petitioner as also the learned Standing Counsel appearing for the respondents.

On a consideration of the facts and circumstances of the case

and the submissions made across the bar, I find that inasmuch as the petitioner had already approached the Lok Adalath for a settlement of the issue and an award was passed by the Lok Adalath dated 06.12.2014 and the petitioner has not complied with the directions in the said award, the present writ petition by the petitioner seeking substantially the same reliefs as was earlier agitated by him cannot be maintained before this Court in proceedings under Article 226 of the Constitution of India, It may be relevant in this connection to notice the judgment dated 22.06.2015 of the Division Bench of this Court in W.A. No.1138 of 2015 where the above legal position has been reiterated. Resultantly, the writ petition fails and is accordingly, dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE