

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 30602 of 2010 (A)

PETITIONERS:

1. A.SARASWATHY, AGED 70 YEARS,
W/O.LAKSHMANAN, AMBATTUPALAYAM,
P.O.CHITTUR COLLEGE, CHITTUR VILLAGE,
PALAKKAD DISTRICT.
2. L.ARAVINDAKSHAN, AGED 51 YEARS,
S/O.LAKSHMANAN, AMBATTUPALAYAM,
P.O.CHITTUR COLLEGE, CHITTUR VILLAGE,
PALAKKAD DISTRICT.
3. L.SHIVADAS, AGED 47 YEARS,
S/O.LAKSHMANAN, AMBATTUPALAYAM,
P.O.CHITTUR COLLEGE, CHITTUR VILLAGE,
PALAKKAD DISTRICT.

BY ADV. SRI.M.R.VENUGOPAL

RESPONDENTS:

1. THE PRESIDENT, THE CHITTUR SERVICE CO-OPERATIVE
BANK LIMITED NO.18, P.O.CHITTUR,
PALAKKAD DISTRICT, PIN-678101, KERALA.
2. THE CHIEF GENERAL MANAGER, (NABARD),
KERALA REGIONAL OFFICE, POST BOX NO.5613,
PUNNEN ROAD, STATUE JUNCTION,
THIRUVANANTHAPURAM, PIN-695039.
3. THE GENERAL MANAGER,
PALAKKAD DISTRICT CO-OPERATIVE
BANK LTD., PALAKKAD 678 001.
4. ASSISTANT REGISTRAR (GENERAL) OF
CO-OPERATIVE SOCIETIES,
CHITTUR, PALAKKAD 678 001.

R3 BY ADV. SRI.M.P.ASHOK KUMAR

R1 BY ADV. SRI.G.HARIHARAN

R1 BY ADV. SRI.A.SREERAMAKRISHNAN

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPIES OF THE NOTICES RECEIVED BY THE PETITIONERS DATED 11.02.2008 FROM THE 1ST RESPONDENT
- EXHIBIT P2 : TRUE COPY OF THE SCHEME PROCLAIMED BY THE UNION OF INDIA WITH REFERENCE TO NABARD CIRCULAR DATED 23.05.2008.
- EXHIBIT P3 : TRUE COPIES OF THE REPRESENTATIONS SUBMITTED BY THE PETITIONERS TO THE 1ST RESPONDENT
- EXHIBIT P4 : TRUE COPIES OF THE LETTER DATED 24.12.2008 BY THE 4TH RESPONDENT
- EXHIBIT P5 : TRUE COPY OF THE LETTER DATED 30.12.2008 ISSUED TO THE PETITIONERS BY THE 1ST RESPONDENT
- EXHIBIT P6 : TRUE COPY OF THE JUDGMENT DATED 04.11.2009 IN WP(C) 21742/2009.
- EXHIBIT P7 : A TRUE COPY OF THE RESOLUTION DATED 27.03.2010 OF THE 1ST RESPONDENT
- EXHIBIT P8 : TRUE COPY OF THE LETTER SENT TO THE 1ST RESPONDENT BY THE 3RD RESPONDENT
- EXHIBIT P9 : TRUE COPY OF THE LETTER DATED 19.05.2010 ISSUED TO THE PETITIONERS BY THE ARBITRATOR OF THE 4TH RESPONDENT
- EXHIBIT P10 : TRUE COPY OF THE REPORT OF THE AUDITOR UNDER THE 4TH RESPONDENT DATED 28.06.2010
- EXHIBIT P11 : TRUE COPY OF THE LETTER DATED 30.06.2010 ISSUED TO THE 1ST RESPONDENT
- EXHIBIT P12 : TRUE COPY OF THE LETTER DATED 03.07.2010 SNET BY THE 3RD RESPONDENT TO THE ST RESPONDENT
- EXHIBIT P13 : TRUE COPIES OF THE INTIMATIONS DATED 09.07.2010 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS.
- EXHIBIT P14 : TRUE COPY OF THE JUDGMENT IN WP(C) 36787/2008 BY THIS HONOURABLE COURT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 30602 OF 2010

Dated this the 13th day of January, 2015

JUDGMENT

The petitioners claim the benefit of the Debt Relief Scheme extended to agriculturists. The claim has been turned down primarily for the reason that the processing of the application was defective. The first respondent bank had forwarded the application to the third respondent Apex bank. The departmental auditor of the third respondent bank however noted that there were many defects to be rectified. The third respondent bank therefore did not forward the claim of the petitioners to NABARD as envisaged. Ext.P12 order passed by the third respondent to this effect is impugned in this writ petition.

2. The petitioners have a case that they have already cured the defects (which were not noticed). The petitioners are also willing to rectify any further defect lingering in the applications. They seek an opportunity for this course and pray for a remand of their claim to the first respondent bank. I am

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willing to accede to this request since the claim of the petitioners has to be considered as per law.

3. Ext.P12 order is accordingly quashed and the matter remitted to the first respondent bank. The first respondent shall put the petitioners on notice and process their application. The application after processing shall be forwarded to the third respondent bank within a period of two months. The third respondent shall take the proceedings to a logical end within a period of two months thereafter. The claim need be processed only in regard to petitioners 2 and 3. This is because the first petitioner has cleared the loan and settled her liability with the first respondent bank.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd