

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C) .NO. 28096 OF 2015 (J)

PETITIONER(S) :

THANKAMONY K., AGED 50 YEARS
S/O.KUNJU KRISHNAN NADAR
VARUVILAKOM PUTHAN VEEDU HOUSE, KONNANNURKONAM
KUNNATHUKAL, KARAKONAM PO, NEYYATTINKARA TALUK
THIRUVANANTHAPURAM DT. 695504

BY ADVS.SRI.SHOBY K.FRANCIS
SMT.AGI SHOBY

RESPONDENT(S) :

1. THE KERALA FARMER'S DEBT RELIEF COMMISSION
REPRESENTED BY ITS SECRETARY
OFFICE OF THE KERALA FARMERS DEBT RELIEF COMMISSION
AGRI URBAN MARKET, VENPALAVATTAM, ANAYARA PO
THIRUVANANTHAPURAM DISTRICT 695504

2. STATE BANK OF TRAVANCORE
DHANUVACHAPURAM BRANCH, DHANUVACHAPURAM PO
THIRUVANANTHAPURAM DISTRICT 695503
REPRESENTED BY ITS SENIOR MANAGER

3. DEPUTY TAHASILDAR
REVENUE RECOVERY, NEYYATTINKARA TALUK
NEYYATTINKARA PO, THIRUVANANTHAPURAM 695504

BY GOVERNMENT PLEADER SMT.LILLY K.T
BY SRI.SANTHOSH MATHEW
BY SRI.SATHISH NINAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .NO. 28096 OF 2015 (J)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF THE RELEVANT PAGE OF THE BANK PASS BOOK ISSUED BY THE
2ND RESPONDENT DATED 18.05.2006

P2:TRUE COPY OF THE REQUEST DATED 15.04.2009 SUBMITTED TO THE REGIONAL
OFFICE BY THE PETITIONER

P3:TRUE COPY OF REQUEST DATED 30.04.2014 SUBMITTED TO THE SECOND
RESPONDENT AND ITS CHIEF MANAGER BY THE PETITIONER

P4:TRUE COPY OF COMPLAINT DATED 16.08.2014 SUBMITTED BY THE PETITIONER
TO THE GOVT. SECRETARY

P5:TRUE COPY OF MANORAMA DAILY DATED 20.08.2015

P6:TRUE COPY OF DEMAND NOTICE DATED 24.07.2015 ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER

P7:TRUE COPY OF RECOVERY NOTICE DATED 24.07.2015 ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER

P8:TRUE COPY OF DEMAND NOTICE DATED 10.08.2015 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER

P9:TRUE COPY ORDER DATED 26.08.2015 ISSUED BY THE 1ST RESPONDENT TO THE
PETITIONER

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.28096 OF 2015

Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner, who had availed of an agricultural loan from the 2nd respondent bank under the “Kissan Credit Scheme Loan”, defaulted in repayment of the same. Consequently, the respondent banks initiated proceedings under the Kerala Revenue Recovery Act to recover the loan amounts. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing counsel appearing on behalf of the respondent bank and also the learned Government Pleader.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the balance amounts outstanding to the respondent bank in easy instalments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioner to the respondent bank is stated to be Rs.40,187/- together with accrued interest. Accordingly, if the petitioner pays the aforesaid amount of Rs.40,187/- together with accrued interest in 12 equal and successive monthly instalments commencing from 15.10.2015, the recovery steps initiated against the petitioner by the respondent Bank shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against them from the stage at which they presently stand.

(iii) I make it clear that, nothing in this judgment shall stand in the way of the 2nd respondent bank considering Ext.P3 representation by the petitioner for the extension of benefits under the One Time Settlement Scheme. Considering the plight of the petitioner, who is stated to have suffered considerable loss in her agricultural activity, the 2nd respondent bank shall consider the case of the petitioner sympathetically and accord the maximum possible accommodation to the petitioner in the matter. The 2nd respondent

bank shall take a decision with regard to the extension of one time settlement facility to the petitioner within a period of one month from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns