

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

W.P.(C).No. 28783 of 2015 (W)

PETITIONER :

P.S.KAMALAMMA,
PULICHAMAKKAL HOUSE,
ERATTAYAR NORTH P.O.,
UDUMBANCHOLA,
IDUKKI-685 510.

BY ADVS.SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY
SRI.JITHIN SAJI ISSAC

RESPONDENT :

ASSISTANT SECRETARY,
KERALA STATE HOUSING BOARD,
IDUKKI DIVISION,
KATTAPANA-685 508.

R BY SRI.GEORGE BOBAN,SC,KERALA STATE HOUSING BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23-09-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

bpr

W.P(C) .No. 28783 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF THE NOTICE OF SALE

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

bpr

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.28783 OF 2015 (W)

Dated this the 23rd day of September, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent board, defaulted in repayment of the same. Consequently, the respondent board initiated proceedings under the Revenue Recovery Act, to recover the loan amounts. Ext.P1 is the sale notice issued to the petitioner. In the writ petition, the petitioner impugns the steps initiated by the respondent board for recovery of the loan amounts.

2. I have heard the learned counsel appearing for the petitioner as also the learned Standing counsel appearing for the respondent board.

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 board in easy installments. 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 board, is stated to be Rs.4,09,376/- as on 13.09.2015. Accordingly, if the petitioner pays the above amount of Rs.4,09,376/- together with accrued interest in twelve equal and successive monthly installments commencing from 15.10.2015, then the further proceedings initiated against him by the respondent board shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondent board will be free to continue the recovery proceedings against him 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 respondent board considering any application preferred by the petitioner for the extension of benefits under a One Time Settlement Scheme, if any available.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

bpr