

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

WP(C).No. 28829 of 2015 (C)

PETITIONER(S):

**BIJU AGED 42 YEARS, S/O. KOCHU NANU
MOOLAYIL KIZHAKKETHIL, NEENDAKARA PO
KOLLAM**

BY ADV. SRI.SAJU J PANICKER

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, KOLLAM - 691 013**
- 2. THE TAHSILDAR, REVENUE RECOVERY,
TALUK OFFICE, KARUNAGAPPALLY-691 013**
- 3. THE AUTHORIZED OFFICER, REVENUE RECOVERY
KERALA STATE HOUSING BOARD,
KARUNAGAPPALLY BRANCH, KOLLAM- 691 013**
- 4. THE VILLAGE OFFICER, NEENDAKARA VILLAGE, KOLLAM - 691 013**

**R BY GOVERNMENT PLEADER, SRI. LILLY K.T.
R BY SRI.GEORGE BOBAN, SC, K.S.H.B.**

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

WP(C).No. 28829 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1 TRUE COPY OF THE RECEIPTS SHOWING THE PAYMENT OF THE
 AMOUNT**

**EXHIBIT P2 TRUE COPY OF THE SALE NOTICE DATED 24.08.2015 ISSUED BY THE
 3RD RESPONDENT.**

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 28829 of 2015

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioner's father, who had availed a loan from the respondent board, defaulted in repayment of the same. Consequently, the respondent board initiated proceedings under the Kerala Revenue Recover Act, to recover the loan amounts. Ext.P2 is the notice issued to the petitioner under the Revenue Recovery Act. 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 on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

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 outstanding amount, in respect of the loan, is stated to be Rs.1,65,297/- together with

accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.1,65,297/- together with accrued interest in six equal and successive monthly installments commencing from 15.10.2015, then the recovery steps 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.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE