

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 32679 of 2015 (H)

PETITIONER(S) :

1. JOHNY PAUL
S/O.POULOSE, AGED 54 YEARS,
RESIDING AT PUTHENKUDI HOUSE
KURUPPAMPADY P.O., KURUPPAMPADY,
RAYAMANGALAM VILLAGE,
KUNNATHUNADU TALUK,
ERNAKULAM - 683 545.

2. VALSA JOHNY
W/O.JOHNY PAUL, AGED 49 YEARS
RESIDING AT PUTHENKUDI HOUSE
KURUPPAMPADY P.O., KURUPPAMPADY,
RAYAMANGALAM VILLAGE,
KUNNATHUNADU TALUK,
ERNAKULAM - 683 545.

**BY ADVS.SRI.D.NARENDRANATH
SRI.M.HARI SHARMA**

RESPONDENT(S) :

1. DEPUTY TAHSILDAR,
REVENUE RECOVERY. TALUK OFFICE
KUNNATHUNADU TALUK, PERUMBAVOOR,
ERNAKULAM - 683 545.

2. NORTH MALABAR GRAMIN BANK
PERUMBAVOOR BRANCH
KUNNATHUNADU TALUK
PERUMBAVOOR, ERNAKULAM – 683 545
REPRESENTED BY ITS BRANCH MANAGER.

**R1 BY GOVT. PLEADER SMT. K.T. LILLY
R2 BY ADV. SRI.T.R.RAVI, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 32679 of 2015 (H)

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APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1: TRUE COPY OF THE NOTICE DATED 1/9/2015 SERVED ON 23/9/2015
 HAVING NO.D8-13825/2015 ISSUED FROM TOM THE OFFICE OF THE
 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.32679 OF 2015 (H)

Dated this the 2nd day of November, 2015

J U D G M E N T

The petitioners, who are faced with revenue recovery proceedings initiated at the instance of the 2nd respondent, for recovery of defaulted loan amounts, seeks only the grant of an installment facility for discharging the liability as per Ext.P1 demand notice under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act'. Ext.P1 is the demand notice issued to the petitioners under the RR Act. In the writ petition, the petitioners impugn the steps initiated by the respondents for recovery of the loan amounts.

2. I have heard the learned counsel appearing for the petitioners, the learned Government Pleader appearing for the 1st respondent as also the learned Standing counsel for the 2nd respondent.

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 petitioners is to permit them to remit the balance amounts outstanding to the respondents in easy installments. Taking into account the plea of financial hardship raised by the petitioners, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioners, as discernible from Ext.P1 notice, is stated to be Rs.1,73,614/- together with accrued interest and other charges. Accordingly, if the petitioners pay the said amount of Rs.1,73,614/- together with accrued interest and other charges in twelve equal and successive monthly installments commencing from 30.11.2015, then the further proceedings initiated against him by the respondents shall be kept in abeyance.

(ii) It is further made clear that if the petitioners commit a default in respect of any of the installments, they 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.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/2/11/15