

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).NO. 35280 OF 2014 (H)

PETITIONER:

**PRAKASH SARALAYA, AGED 40 YEARS,
S/O.JANARDHANA SARALAYA, PERUTHADI, P.O.RANIPURAM,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S):

**1. SALE OFFICER,
SENIOR INSPECTOR/SPECIAL SALE OFFICER,
THE HOSDURG PRIMARY CO-OP AGRICULTURAL AND RURAL
DEVELOPMENT BANK,
KASARAGOD P.O., KASARAGOD DISTRICT, PIN: 671 315.**

**2. THE SECRETARY,
THE HOSDURG PRIMARY CO-OP AGRICULTURAL AND RURAL
DEVELOPMENT BANK,
KANHANGAD P.O., KASARAGOD DISTRICT, PIN: 671 315.**

**3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
VIDYA NAGAR P.O., KASARAGOD, PIN: 671 123.**

**4. THE PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**

**R2 BY ADV. SRI.V.G.ARUN
R2 BY ADV. SRI.T.R.HARIKUMAR
BY GOVERNMENT PLEADER T.R. RAJESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-01-2015,
ALONG WITH WPC. 35281/2014, WPC. 35557/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

WP(C).NO. 35280 OF 2014 (H)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 : THE COPY OF THE SALE NOTICE ISSUED BY THE 1ST
RESPONDENT DATED 20/11/2014.

EXT.P2 : THE COPY OF THE GOVERNMENT ORDER ISSUED BY THE 4TH
RESPONDENT DATED 15/2/2013

EXT.P3 : THE COPY OF THE GOVERNMENT ORDER ISSUED BY THE 4TH
RESPONDENT DATED 30/5/2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

K.VINOD CHANDRAN, J.

W.P.(C).No.35280 of 2014

Dated this the 23rd day of January, 2015

J U D G M E N T

The petitioner is aggrieved by the proceedings taken against the petitioner's property for settlement of the defaulted amounts, in the loan account availed.

2. Considering the confined prayer made for instalments, it is directed that the proceedings shall be kept in abeyance on condition of the petitioner settling the entire loan in twenty equal monthly instalments. The respondent-Bank shall quantify the dues as on 15.02.2015 and issue a statement of accounts, in accordance with which the instalments shall be paid. The 1st instalment shall be paid on or before 23.02.2015 and thereafter; the due date of instalments falling on the 23rd of each succeeding month. If default is committed in two consecutive instalments, then the recovery proceedings shall revive and continue. On the satisfaction of the dues

as per the statement, the Bank shall give a statement of the future interest from 15.02.2015 and the same shall be settled as the 21st instalment.

3. The learned counsel for the petitioner submits that in fact, there is a moratorium by the Government, which has been interpreted by the Division Bench of this Court as being applicable to all modes of recovery. However, the moratorium is only up to 15.02.2015. In such circumstance, there would be no difficulty in the aforesaid direction being complied with.

The writ petition stands disposed of as above.

No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge