

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 35300 of 2014 (J)

PETITIONER:

**SETHUNRAMALINGAM.N.,
S/O.NAJAPPA GOUNDER,
AGED 44 YEARS,
ARAMANAKALAM,
VANNAMADA,
PALAKKAD - 678 555.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S):

- 1. THE TAHASILDAR
CHITTUR TALUK,
CHITTUR -678 101.**
- 2. THE DEPUTY TAHSILDAR,
(REVENUE RECOVERY),
CHITTUR- 678 101.**
- 3. THE VILLAGE OFFICER,
VANNAMADA VILLAGE,
VANNAMADA,
CHITTUR TALUK-678 101.**
- 4. THE BRANCH MANAGER
STATE BANK OF TRAVANCORE,
CHITTUR BRANCH,
PALAKKAD DISTRICT -678 101.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.SHYSON.P.MANGUZHA
R4 BY ADV. SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 35300 of 2014 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE WILL DOCUMENT NO.42/88.

**EXT.P-2: TRUE COPY OF THE LAND TAX RECEIPT IN RESPECT OF THE
PETITIONERS PROPERTY.**

**EXT.P-3: TRUE COPY OF THE POSSESSION CERTIFICATE IN RESPECT OF THE
PETITIONERS PROPERTY.**

EXT.P-4: TRUE COPY OF THE NOTICES DATED 7.10.2014.

EXT.P-5: TRUE COPY OF THE NOTICES DATED 7.10.2014.

EXT.P-6: TRUE COPY OF G.O(MS) NO.224/14/REV. DATED 30.6.2014.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.35300 of 2014

.....
Dated this the 20th day of March, 2015

J U D G M E N T

The petitioner, who had availed of a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, to recover the loan amounts. Exts.P4 and P5 are the notices issued to the petitioner under the Kerala Revenue Recovery Act. 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 for the respondent bank.

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 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 overdue amount in respect of the loan availed by the petitioner is stated to be

Rs.8,16,000/- together with accrued interest other charges. Accordingly, if the petitioner pays the aforesaid amount of Rs.8,16,000/- together with accrued interest and other charges in eight equal and successive monthly instalments commencing from 31.03.2015, and continues to keep up the regular instalments as per the original loan schedule, 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 him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

