

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937**

**WP(C).No. 35256 of 2015 (F)**  
-----

**PETITIONER :**  
-----

**JOSE P.P., AGED 59 YEARS, S/O.PAILY.P.,  
PACHAPATHIKKAL HOUSE, MUKKUZHY,  
THAYANNUR P.O, KASARAGOD DISTRICT -671 531.**

**BY ADV. SRI.A.ARUNKUMAR**

**RESPONDENT(S):**  
-----

- 1. THE STATE BANK OF TRAVANCORE,  
REPRESENTED BY ITS CHIEF MANAGER, KANHANGAD BRANCH,  
MAIN ROAD KANHANGAD, KASARAGOD DISTRICT- 671 315.**
- 2. AUTHORIZED OFFICER,  
UNDER SARFAESI ACT, THE STATE BANK OF TRAVANCORE,  
REPRESENTED BY ITS CHIEF MANAGER, KANHANGAD BRANCH,  
MAIN ROAD KANHANGAD, KASARAGOD DISTRICT -671 315.**
- 3. THE STATE,  
REPRESENTED BY PRINCIPAL SECRETARY,  
REVENUE DEPARTMENT, THIRUVANANTHAPURAM.**
- 4. THE DISTRICT COLLECTOR,  
KASARAGOD, VIDHYANAGAR, KASARAGOD.**
- 5. THE SPECIAL TAHSILDAR (REVENUE RECOVERY),  
HOSDURG TALUK, KANHANGAD -671 315.**
- 6. THE VILLAGE OFFICER,  
BELUR VILLAGE, VELLARIKKUND TALUK,  
KASARAGOD DISTRICT -671 531.**

**R1 & R2 BY SRI.T.SETHUMADHAVAN,SENIOR ADVOCATE  
ADV. SRI. JAYESH MOHAN KUMAR, SC, STATE BANK OF TRAVANCORE  
R3 TO R6 BY GOVERNMENT PLEADER SMT. LILLY.K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. A TRUE COPY OF THE REQUISITION FOR INITIATING REVENUE RECOVERY PROCEEDINGS BY THE 1ST RESPONDENT.
- EXT.P2. A TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 5TH RESPONDENT.
- EXT.P3. A TRUE COPY OF THE COMMUNICATION SENT BY THE 3RD RESPONDENT.
- EXT.P4. A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(A). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(B). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(C). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(D). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(E). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(F). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(G). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(H). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(I). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(J). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(K). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(L). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(M). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(N). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(O). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(P). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(Q). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(R). A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.

**WP(C).NO.35256/2015**

- EXT.P4(S).     A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(T).     A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(U).     A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P4(V).     A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT.
- EXT.P5.        A TRUE COPY OF THE DISCHARGE NOTICE ISSUED UNDER SECTION  
13(2) OF SARFAESI ACT.
- EXT.P6.        A TRUE COPY OF THE REPLY LAWYER NOTICE ISSUED BY THE  
PETITIONER.
- EXT.P7.        A TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 13(4) OF  
SARFAESI ACT.
- EXT.P8.        A TRUE COPY OF THE REPLY APPALICATION FILED UNDER SECTION  
14 BEFORE THE CHIEF JUDICIAL MAGISTRATE, KASARAGOD.
- EXT.P9.        A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER.

**RESPONDENT(S)' EXHIBITS:**  
-----

**NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**A.K.JAYASANKARAN NAMBIAR, J.**

-----  
**W.P.(C) No.35256 of 2015**  
-----

Dated this the 25<sup>th</sup> day of November 2015

**JUDGMENT**

The petitioner, who had availed a loan from the respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act', to recover the loan amounts. Ext.P7 is the possession notice issued to the petitioner under the SARFAESI 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 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 bank 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, as on today is stated to be Rs.4,52,000/- . Accordingly, if the petitioner remits the aforesaid amount of Rs.4,52,000/- together with accrued interest in twelve equal and successive monthly installments commencing from 15.12.2015, then the recovery steps initiated against him 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 installments, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

sm/