

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36383 of 2015 (W)

PETITIONER(S):

1. T.K.NARAYANA PILLAI,
MANIMANDIRAM, TEMPLE ROAD, ELOOR SOUTH,
ERNAKULAM (DT.),PIN: 682 306.
2. JOSE KURUVILLA, S/O.KURUVILLA,
KOLLAMPARAMBIL, THALAYOLA PARAMBU,
KOTTAYAM (DT), PIN: 686 605.

BY ADVS.SRI.PHILIP ANTONY CHACKO
SRI.P.M.SEBASTIAN

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM, PIN: 695 001.
2. THE DY. TAHSILDAR,
TALUK OFFICE, NORTH PARUR, ERNAKULAM (DT),
PIN: 683 513.
3. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, SIDCO BUILDINGS,
GANDHINAGAR, KADAVANTHARA, ERNAKULAM (DT),
PIN: 682 020.
4. THE VILLAGE OFFICER,
ELOOR VILLAGE OFFICE, ERNAKULAM (DT), PIN: 682 306.

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1: THE TRUE COPY OF THE LETTER DATED 29TH JANUARY 1994 ISSUED BY THE CHIEF MANAGER OF THE BANK TO THE MANAGING DIRECTOR OF THE COMPANY
- P2: TRUE COPY OF THE PARTICULARS OF APPOINTMENT OF DIRECTORS, MANAGING AGENTS, SECRETARIES AND TREASURES AND MANAGER AND CHANGES AMONG THEM, PURSUANT TO SECTION 303 (2) OF THE COMPANIES ACT DATED 20/9/1994 ISSUED BY THE ASSISTANT REGISTRAR OF COMPANIES, KERALA.
- P3: THE TRUE COPY OF THE NOTICE DATED 27/8/2001 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER
- P4: THE TRUE COPY OF THE LETTER DATED 13/2/2007 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER
- P5: THE TRUE COPY OF THAT NOTICE DATED 5/12/2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- P6: THE TRUE COPY OF THE REVENUE RECOVERY DEMAND NOTICE DATED 31/10/2015 IN FORM NO.1 UNDER SEC. 7 OF THE REVENUE RECOVERY ACT 1968 ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER
- P7: THE TRUE COPY OF THE REVENUE RECOVERY DEMAND NOTICE DATED 31/10/2015 IN FORM NO.10 UNDER SEC.34 OF THE REVENUE RECOVERY ACT 1968 ISSUED BY THE 2ND RESPONDENT AGAINST THE 1ST PETITIONER
- P8: THE TRUE COPY OF THE OBJECTION DATED 25/11/2015 BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.36383 OF 2015 (W)

Dated this the 7th day of December, 2015

J U D G M E N T

The petitioners, who are faced with revenue recovery steps for recovery of amounts availed by them by way of loan from the 3rd respondent company, seek only the grant of installments to discharge the liability due to the respondent company.

2. I have heard the learned counsel appearing for the petitioners as also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar and also 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 to the respondents, as stated in Exts.P6 and P7 notices, is stated to be Rs.3,52,378/- together with accrued interest and other charges. Accordingly, if the petitioners pay the said amount

of Rs.3,52,378/- together with accrued interest and other charges in ten equal and successive monthly installments commencing from 11.01.2016, then the further proceedings initiated against them 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.

(iii) The 3rd respondent is directed to furnish the petitioners with an up-to-date statement of the accounts showing the outstanding liability of the petitioners together with interest and other charges within a period of two weeks from today so as to enable the petitioners to discharge their liability in accordance with the directions in this judgment. The petitioners shall produce a copy of the writ petition along with a copy of this judgment before the 3rd respondent, for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE