

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 37050 of 2015 (E)

PETITIONER(S):

**RAMYA R., AGED 30 YEARS,
D/O.P.RAMADAS, PALAKKAL HOUSE,
MALAPPURAM P.O., OLAVAKKODE, PALAKKAD - 678 002.**

**BY ADVS.SRI.N.M.MADHU
SRI.P.SHRIHARI
SMT.C.S.RAJANI**

RESPONDENT(S):

- 1. THE MANAGER,
BANK OF INDIA, G.B.ROAD, PALAKKAD - 678 001.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, MANNARKKAD,
PALAKKAD DISTRICT - 678 582.**
- 3. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, MANNARKKAD,
PALAKKAD DISTRICT - 678 582.**
- 4. THE VILLAGE OFFICER, KOTTATHARA VILLAGE,
P.O.KOTTATHARA (VIA), AGALI, MANNARKKAD,
PALAKKAD DISTRICT - 678 582.**

**R1 BY ADV. SRI.JAWAHAR JOSE, SC
R2-R4 BY GOVERNMENT PLEADER SMT.LILLY K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 37050 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE COMPLAINT C.C.NO.7/2015 ON THE FILE OF THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM AT PALAKKAD.**
- EXT.P-2: TRUE COPY OF THE MEMORANDUM OF WRIT PETITION (C) NO.6966/2015.**
- EXT.P-3: TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 1ST RESPONDENT IN WRIT PETITION (C) NO.6966/2015.**
- EXT.P-4: TRUE COPY OF THE JUDGEMENT DATED 27.3.2015 IN WRIT PETITION (C) NO.6966/2015.**
- EXT.P-5: TRUE COPY OF THE TRUE COPY OF THE LETTER DATED 17.4.2015 ISSUED BY THE 1ST RESPONDENT.**
- EXT.P-6: TRUE COPY OF THE LETTER DATED 11.5.2015 SUBMITTED BY THE PETITIONER.**
- EXT.P-7: TRUE COPY OF THE PAYMENT SLIP DATED 16.5.2015 FOR RS.10,000/- ISSUED BY THE 1ST RESPONDENT.**
- EXT.P-8: TRUE COPY OF THE PAYMENT SLIP DATED 16.5.2015 FOR RS.7,000/- ISSUED BY THE 1ST RESPONDENT.**
- EXT.P-9: SALE NOTICE DATED 20.10.2015 UNDER SECTION 49(2) OF THE KERALA REVENUE RECOVERY ACT ISSUED BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 37050 of 2015

Dated this the 8th day of December, 2015

JUDGMENT

The petitioner, who is aggrieved by the steps taken by the respondent bank under the Revenue Recovery Act for recovery of defaulted loan amounts, seeks to challenge Ext.P9 sale notice issued by the revenue recovery authority at the instance of the respondent bank. When the matter was taken up for admission, it was noticed that the petitioner had earlier approached this Court through WP(C) No.6966 of 2015, when faced with earlier proceedings at the instance of the respondent bank. On that occasion, this Court by Ext.P4 judgment had granted the petitioner the facility of repayment of dues in installments. It is not in dispute that the petitioner has not complied with the directions in Ext.P4 judgment. Under the said circumstances, I am of the view that the petitioner cannot aspire for any discretionary relief from this Court, in these proceedings under Article 226 of the Constitution of India. The writ petition therefore, fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE