

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 37670 of 2015 (G)

PETITIONER(S):

**SAJI.P.K., S/O.SIVAKUMAR, AGED 35 YEARS,
THITTAYL VEEDU, VENNICODE P.O., CHERUNNIYOOR, VARKALA,
VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SMT.P.M.SHIJI

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM DISTRICT, PIN-695 001.**
- 2. THE TAHSILDAR, REVENUE RECOVERY , VARKALA,
THIRUVANANTHAPURAM DISTRICT, PIN-695 141.**
- 3. THE MANAGER, CANARA BANK, VARKALA BRANCH, VARKALA P.O.,
THIRUVANANTHAPURAM DISTRICT-695 141.**

**R1 & R2 BY GOVERNMENT PLEADER SMT.LILLY.K.T
R3 BY ADV. SRI.PAULY MATHEW MURICKEN,SC,CANARA BAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 37670 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1: A TRUE COPY OF THE NOTICE ISSUED BY THE TAHASILDAR,
REVENUE RECOVERY, VARKALA TALUK TO THE PETITIONER
DATED 23.07.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.37670 of 2015

Dated this the 15th day of December 2015

JUDGMENT

The petitioner, who had availed a loan from the 3rd respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Revenue Recovery Act, to recover the loan amounts. Ext.P1 is the revenue recovery notice issued to the petitioner. 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 10.12.2015, is stated to be Rs.4,13,391/- together with accrued interest. Accordingly, if the petitioner remits the aforesaid amount of Rs.4,13,391/- together with accrued interest in twelve equal and successive monthly installments commencing from 05.01.2016, 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/