

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38889 of 2015 (I)

PETITIONER(S) :

**AMMED KOYA, AGED 54 YEARS,
S/O. THARVAIKUTTY, NEELANCHERY HOUSE,
THALAYAD P.O.,
KOZHIKODE DISTRICT**

**BY ADVS.SRI.V.N.RAMESAN NAMBISAN
SRI.BENOY SASI**

RESPONDENT(S) :

**KERALA GRAMIN BANK
REPRESENTED BY ITS BRANCH MANAGER,
UNNIKULAM BRANCH,
KOZHIKODE DISTRICT,
PIN 673 574**

BY ADV. SRI.T.R.RAVI, SC, KERALA GRAMIN BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015 ALONG WITH W.P.(C) NOS.38891/2015, 38893/2015 &
38896/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

AMV

: 2 :

WP(C).No. 38889 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1 : COPY OF CIRCULAR NO.RPCD NO.PLFS.BC.72/05-04-02/2007-08
DATED 23-05-2008.**

**EXHIBIT P2 : COPY OF CIRCULAR NO RPCD NO.PLFS.BC. 73/05.04.02/2007-08
DATED 30-05-2008.**

**EXHIBIT P3 : COPY OF JUDGMENT IN WRIT PETITION (C) 15888 OF 2012
DATED 23-11-2012 OF THE HON'BLE HIGH COURT.**

**EXHIBIT P4 : COPY OF THE JUDGMENT DATED 12-11-2014 OF THE HON'BLE
COURT IN W.P(C) NO 31312 OF 2013 AND CONNECTD CASES.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

AMV

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos.38889, 38891, 38893 & 38896 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

These writ petitions are filed by different borrowers. They obtained loan from the banks claiming benefit of Agriculture Debt Waiver and Debt Relief Scheme, 2008.

2. This Court in similar occasion disposed the batch of writ petitions in W.P.(C) No.31312/2013 and connected cases. Therefore, the judgment in the above case also would govern in these writ petitions.

In the light of the directions in the above judgment, the following directions are issued:

- i. The question raised by the petitioners in these writ petitions regarding the benefits accorded to the farmers, denial of the benefits to the petitioners are left open.
- ii. The civil court shall dispose of any matter relating to the recovery initiated by the banking institutions

against the petitioners, only after adverting to the objections of the petitioners in relation to the benefit available under the above scheme.

- iii. In the revenue recovery proceedings, the District Collector shall advert to the objections of the petitioners before taking any coercive steps under Section 34(2) of the Kerala Revenue Recovery Act with regard to the benefit accorded to the petitioners. Needless to say, such exercise shall be done if necessary by adverting to or by procuring necessary materials for decision.

The writ petitions are disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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