IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946

WP(C) NO. 10054 OF 2024

PETITIONER/S:

JOSE SEBASTIAN, AGED 60 YEARS
S/O. SEBASTIAN,THALACHIRAYIL, NARIYANANI P.O, PONKUNNAM,
KOTTAYAM DISTRICT, PIN - 686506

BY ADVS. T.M.ABDUL LATHEEF; VAISHNAV DEV

RESPONDENT/S:

1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,CO-OPERATIVE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

2 THE AUTHORIZED OFFICER.
KERALA STATE CO-OPERATIVE BANK LTD.,(FORMERLY DISTRICT CO-OPERATIVE BANK LTD., KOTTAYAM),KOTTAYAM REGIONAL OFFICE,
P.B. NO. 140, CENTRAL JUNCTION, KOTTAYAM, PIN - 686001

3 THE BRANCH MANAGER,
KERALA BANK, PALA, KOTTAYAM DISTRICT, PIN - 686575

ANJALY T.A

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 01.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The present writ petition has been filed seeking the following reliefs:

> "i) To call for the records relating to Exhibit Pl to P4 and to a writ of mandamus declaring that no proceedings under the SARFEASI Act can be initiated against the petitioner's property till the liability of the petitioner is considered under the Kudisikha Nivarana Scheme declared by the government based upon the claim on medical grounds;
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> ii) To issue any writ order or direction commanding the respondent to consider Exhibit P3 and permit the petitioner to pay off only such part of liability as is determined after consideration of Exhibit P3 representation and objection before the 2nd respondent and also to give sufficient time to the petitioner to pay of the liability in installments if the amount if any ultimately determined by the 2nd respondent, put him under any further liabilities;
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> iii) Any other reliefs may be granted as prayed at the time of argument and is deemed fit to be granted by this Hon'ble court."

2. Learned Counsel for the Bank very fairly submits that the petitioner is entitled to relief under the Government

Scheme, and if the petitioner makes an application, the Bank shall consider the application for relief under the Scheme.

3. In view of the very fair stand of the learned Counsel for the Bank, the present writ petition is disposed of with liberty to the petitioner to approach the Bank with appropriate application to seek relief under the '*Arbitration and Execution – Special Due Diligence – One Time Settlement Scheme – 2024*'. The Bank shall consider the application of the petitioner to grant him relief under the said scheme expeditiously. The petitioner should make an application within ten days from today. Till a decision on the application is taken, the Bank shall not proceed against the petitioner.

Sd/-
DINESH KUMAR SINGH
JUDGE

jjj

APPENDIX OF WP(C) 10054/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF NOTICE WAS ISSUED TO THE PETITIONER DATED 29.11.2021
Exhibit P2	TRUE COPY OF NOTICE DATED 6.11.2023
Exhibit P3	TRUE COPY OF REQUEST BEFORE THE 2ND RESPONDENT DATED1.3.2024
Exhibit P4	TRUE COPY OF MEDICAL TREATMENT RECORD