IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946

WP(C) NO. 25624 OF 2024

PETITIONER

LATHA A
AGED 54 YEARS
W/O VAMA DEVAN, KARIKUZHI VEED,
UZHAMALACKAL, PARUTHIKUZHY P.O.,
THIRUVANANTHAPURAM, PIN – 695541

BY ADVS.
SAMPATH V. TOMS
AMBROSE JUDE DCRUZ
SREENA B.S.
SHAHID AZEEZ

RESPONDENTS:

1 **THE SPECIAL DEPUTY TAHSILDAR (RR),**
KSFE LTD.
NEW TRIDA CENTRE, 2ND FLOOR,
MEDICAL COLLGE P.O.,
THIRUVANANTHAPURAM, PIN - 695011

2 **BRANCH MANAGER**
KSFE, VELLANDU BRANCH, CHAITHRAM BUILDING,
VELLANDU JUNCTION, VELLANADU P.O.,
THIRUVANANTHAPURAM,
PIN – 695543

BY ADV P.PRIJITH-STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 25th day of July, 2024

The petitioner has approached this Court aggrieved by the coercive proceedings for recovery of financial advance made by the Kerala State Financial Enterprises Limited to the petitioner, invoking the provisions of the Kerala Revenue Recovery Act, 1968.

2. The petitioner availed a Chitty loan of ₹1,00,152/- from the Kerala State Financial Enterprises Limited in the year 2016. The petitioner states that though the petitioner made remittances promptly during the initial repayment period of the financial advance, she could not pay the repayment instalments promptly later due to financial constraints. The repayment of chitty fell into arrears later. It happened due to reasons beyond the control of the petitioner.

3. Though the petitioner requested the respondents to permit the petitioner to repay the overdue amounts in easy monthly instalments, the respondents were not yielding. The authorities, instead, started coercive proceedings, invoking the provisions of the Kerala Revenue Recovery Act, 1968 and issued Exts.P1 and P2 notices.

4. The petitioner states that she is still in a position to clear the overdue amounts towards the chitty, if sufficient time is given to clear the dues in easy monthly instalments. If the respondents are permitted to continue with the coercive proceedings and auction the secured assets provided by the petitioner, she will be put to untold hardship and loss.

5. Standing Counsel entered appearance on behalf of the respondents and denied all the statements made by the petitioner. On behalf of the respondents, it is submitted that the chitty loan was given to the petitioner in the year 2016. The petitioner committed default in repaying the chitty loan.

6. The respondents repeatedly reminded the petitioner and required her to clear the dues. The petitioner deliberately omitted to do so. In the circumstances, the respondents had no other go than to proceed against the petitioner invoking the provisions of the Kerala Revenue Recovery Act, 1968. The impugned Exts.P1 and P2 were issued in these circumstances. The petitioner has not advanced any legal reasons to thwart the coercive proceedings initiated by the respondents.

7. The Standing Counsel submitted that the petitioner had been given ample opportunity to pay the amount. But, the petitioner refused to settle the account and then the respondents had no other go than to resort to revenue recovery proceedings. As on date the outstanding amount payable by the petitioner in respect of this chitty loan would be ₹2,10,968/-. The Standing Counsel, however, submitted that if the petitioner is ready and willing to remit the balance

outstanding amount, a short breathing time can be granted to the petitioner to clear the dues.

8. I have heard the counsel for the petitioner and the Standing Counsel representing the respondents.

9. The specific case of the petitioner is that the petitioner has been making the repayment and maintaining the loan account initially. The default in repayment of the chitty occurred lately due to reasons beyond the control of the petitioner. The petitioner has provided substantial security which will safeguard the interest of the respondents.

10. In the facts and circumstances of the case, I am inclined to dispose of the writ petition giving a short and reasonable time to the petitioner to clear off the liability.

11. The writ petition is therefore disposed of with the following directions:

(i) The petitioner shall remit the outstanding amount of ₹2,10,968/- in six

consecutive and equal monthly instalments along with accruing interest and other administrative charges, if any. First of such instalments shall be paid on or before 27.08.2024.

(ii) If the petitioner commits single default in making payments as directed above, the respondents will be at liberty to continue with the coercive proceedings against the petitioner in accordance with law.

(iii) If the petitioner makes payments as directed above, coercive proceedings, if any, against the petitioner shall stand deferred.

Sd/-

N.NAGARESH

JUDGE

hmh

APPENDIX OF WP(C) 25624/2024

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE DEMAND NOTICE UNDER SECTION 7 OF THE KERALA REVENUE RECOVERY ACT, 1968 DATED 04.08.2021 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT**
Exhibit P2	**TRUE COPY OF THE NOTICE UNDER SECTION 34 OF THE KERALA REVENUE RECOVERY ACT, 1968 DATED 04.06.2022 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT ON 19.06.2024**