IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

WP(C) NO. 27257 OF 2024

PETITIONER

BEEMA ISMAILKUNJU
AGED 77 YEARS
D/O LATE ISMAILKUNJU, ILLAHI BAITH,
ZILLA COURT WARD, THATHAMPALLY P.O.,
ALAPPUZHA,, PIN – 688013

BY ADVS.
K.S.HARIHARAPUTHRAN
PINKU MARIAM JOSE
K.M.FATHIMA

RESPONDENTS:

1 **KERALA STATE FINANCIAL ENTERPRISES LTD**
KSFE HEAD OFFICE, BHADRATHA,
MUSEUM ROAD, THRISSUR,
REP.BY ITS MANAGING DIRECTOR,
PIN - 680001

2 **THE CHIEF MANAGER**
KERALA STATE FINANCIAL ENTERPRISES LTD.,
LOAN UNIT, ALAPPUZHA,
PIN - 688001

3 **SPECIAL DEPUTY TAHASILDAR**
OFFICE OF THE SPECIAL DEPUTY TAHASILDAR,
REVENUE RECOVERY, KSFE, A.C.J. MANSION,
NEAR KANNANVARKEY BRIDGE,
SEA VIEW WARD, ALAPPUZHA,,
PIN – 688001

SRI.SALIL NARAYANAN-STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th 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.

2. The petitioner was a subscriber of four chits and has availed three loans from the 2st respondent. The petitioner states that though the petitioner made remittances promptly during the initial repayment period of the financial advance, she could not pay the instalments promptly later. The repayment of chitty subscriptions and loans 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 respondent authorities were not yielding. The authorities, instead, started coercive proceedings, invoking the provisions of the Kerala Revenue Recovery Act and issued Ext. P3 notice.

4. The petitioner states that she is still in a position to clear the overdue amounts towards the chitties and loans, 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 loans were given to the petitioner in the year 2015. The petitioner committed default in repaying the chitty

subscriptions and loans.

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. The impugned Ext.P3 was 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, however, submitted that if the petitioner is ready and willing to make a substantial payment soon and remit the balance outstanding amount immediately thereafter, a short breathing time can be granted to the petitioner to clear the dues. The Standing Counsel submitted that the outstanding amount due to the respondents from the petitioner as on 13.08.2024 is ₹68,70,799/-.

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 account initially. The default in repayment of the chitties and loans 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 ₹5 lakhs within two weeks from today and the balance outstanding amount in 24 consecutive and equal monthly instalments immediately thereafter along with accruing interest and

other administrative charges, if any.

(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.

(iv) The petitioner will be at liberty to approach the respondents for availing One Time Settlement in the meanwhile, without violating the payment schedule as directed above.

Sd/-

N.NAGARESH

JUDGE

hmh

APPENDIX OF WP(C) 27257/2024

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE NOTICE DATED 19.3.2024, ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P2	**TRUE COPY OF REPLY DATED 18.4.2024, ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT**
Exhibit P3	**TRUE COPY OF THE NOTICE NO. SDT / RR / ALP/7979.7983,7990,7991,8015,8018,8466/ 17-18 DATED 10.7.2024, ISSUED TO THE PETITIONER BY THE 3" RESPONDENT.**