2025:KER:31298

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 15114 OF 2025

PETITIONERS:

1 V.WILSON
AGED 75 YEARS
S/O VETHANAYAKOM, V.M . NIVAS,
MUTHUVALOORKONAM,
NARUVAMOODU .P.O,PALLICHAL,
THIRUVANANTHAPURAM, PIN - 695020

2 MARYKUTTI
AGED 62 YEARS
W/O V.WILSON, V.M . NIVAS, MUTHUVALOORKONAM,
NARUVAMOODU .P.O,PALLICHAL,
THIRUVANANTHAPURAM, PIN - 695020

BY ADVS.
SALMAN FARIS
MUHAMMED RIFA P.M.

RESPONDENTS:

1 K.S.F.E LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR, 1ST FLOOR,
S.N COMPLEX, MAIN ROAD, NEYYATINKARA,
THIRUVANANTHAPURAM, PIN - 695121

2 SPECIAL DEPUTY TAHSILDAR
OFFICE OF SPECIAL DEPUTY TAHSILDAR, K.S.F.E LIMITED
(R.R), 1ST FLOOR, S.N COMPLEX, MAIN ROAD,
NEYYATINKARA, THIRUVANATHAPURAM, PIN - 695121

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:31298

MURALI PURUSHOTHAMAN, J.

WP(C) No.15114 of 2025

Dated this the 10th day of April, 2025

JUDGMENT

The loan availed by the petitioners from the 1st respondent KSFE fell in arrears. The KSFE initiated recovery proceedings. Ext.P1 is the notice prior to attachment issued under Section 34 of the Kerala Revenue Recovery Act, 1968 (for short 'the Act'). Ext.P2 is the notice of attachment under Section 36 of the Act. Challenging Ext. P2, the petitioners have filed this writ petition. The petitioners have also sought for direction to the respondents to permit them to pay the dues in installments.

2. Smt. Bindu Mohan, the learned standing counsel for KSFE submits that, as on 30.04.2025, an amount of Rs. 14,36,610/- (Rupees Fourteen Lakhs Thirty Six Thousand Six Hundred and Ten only) will be outstanding in the loan account of the petitioners and the petitioners can be permitted to pay the said amount in installments.

3. The learned counsel for the petitioners submits that the petitioners may be permitted to pay the outstanding

amount in 18 equal monthly installments.

In the facts and circumstances of the case, this writ petition is disposed of with the following directions:

(1) The petitioners shall pay the outstanding amount of Rs.14,36,610/- along with accrued interest and applicable charges in 18 equal monthly installments commencing from 15.05.2025.

(2) If the petitioners default payment of any of the installments, it will be open to the KSFE to proceed against them for the recovery of the amount in accordance with law.

(3) To enable the petitioners to remit the installments, all coercive proceedings against them shall stand deferred.

Sd/-
MURALI PURUSHOTHAMAN
JUDGE

ASH

APPENDIX OF WP(C) 15114/2025

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE DEMAND NOTICE DATED 30.01.2025 ISSUED BY THE SPECIAL DEPUTY TAHSILDAR (RR), KSFE, NTA, UNDER FORM NO. 10 OF THE KERALA COOPERATIVE SOCIETIES ACT, 1969**
Exhibit P2	**A TRUE COPY OF THE SALE NOTICE SALE NOTICE DATED 18.02.2025, UNDER FORM NO. 11 OF THE KERALA COOPERATIVE SOCIETIES ACT, 1969, BY THE AUTHORIZED COLLECTOR**