



2025:KER:20079

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

MONDAY, THE 10TH DAY OF MARCH 2025 / 19TH PHALGUNA, 1946

WP(C) NO. 8046 OF 2014

AGAINST THE ORDER/JUDGMENT DATED IN OA NO.10 OF
2012 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM

PETITIONER:

VALSAMMA RAJAPPAN
RAJ NIVAS, VAKATHANAM, KOTTAYAM DISTRICT.

BY ADV SRI.SURIN GEORGE IPE

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO
GOVERNMENT, LOCAL SELF GOVERNMENT
DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE RURAL DEVELOPMENT COMMISSIONER
RURAL DEVELOPMENT DIRECTORATE, LMS
COMPOUND, THIRUVANANTHAPURAM-695 001.
- 3 THE EXECUTIVE DIRECTOR
KUDUMBASREE MISSION, TRIDA, REHABILITATION
BUILDINGS, MEDICAL
COLLEGE.P.O, THIRUVANANTHAPURAM-695 001.
- 4 DISTRICT CO-ORDINATOR
KUDUMBASREE MISSION, DISTRICT PANCHAYATH
BHAVAN, COLLECTORATE, KOTTAYAM-686 002.
- 5 THE DHANALAXMI BANK
REPRESENTED BY ITS MANAGER, KOTTAYAM BRANCH-
686001.



**6 S.VENUGOPAL
ANJALI' VAKATHANAM.P.O,KOTTAYAM-686 538,NOW
WORKING IN PAMPADY BLOCK PANCHAYATH OFFICE IN
KOTTAYAM DISTRICT.**

**BY ADVS.
GOVERNMENT PLEADER
SRI.VIVEK VARGHESE P.J., SC, DHANLAXMI BANK
SRI.S.JAYAKRISHNAN
SRI.VINO V.GEORGE
A. Balagopalan A
A.RAJAGOPALAN(K/339/1994)
M.N.MANMADAN(K/198/1998)
M.S.IMTHIYAZ AHAMMED(K/151/1999)
P.SEENA(K/000546/2000)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



J U D G M E N T

(Dated this the 10th day of March, 2025)

The writ petition is preferred alleging inaction on the part of respondents 1 to 3 in not recovering the amounts alleged to be misappropriated by the 6th respondent.

2. It is the case of the petitioner that, petitioner was the President of the Community Development Society (CDS) attached to Kudumbasree Mission at Vakathanam Panchayat in the year 2007. At that point of time, the 6th respondent was the Member Secretary of the Community Development Society. During the year 2007-08 to 2009-10, a loan was sanctioned to the members of the CDS. Again at that point of time, the 6th respondent was the Member Secretary of the CDS. All transactions were routed through him.

3. It is the case of the petitioner that, due to the delay occurred from the part of the 6th respondent, they suffered a loss to the tune of Rs.8,75,000/-. Now, the 5th respondent Bank, who granted the loan, has initiated proceedings against the petitioner for recovering the loss. It is only because of the 6th respondent, they suffered such a loss. Under such circumstances, she had preferred a representation before respondents 1 to 3 as per Ext.P7



which is yet to be considered. That is the reason by which the petitioner approached this Court for an expeditious disposal of Ext.P7.

4. In response to that, the learned Counsel for the 6th respondent submitted that, the 6th respondent had already retired from the service and the disciplinary proceedings initiated against him was also finally dropped only with an observation that, ultimately finds any loss occurred to the Government, that should be recovered from the 6th respondent by invoking Rule 59(d) of part III KSR.

5. Under such circumstances, the prayer sought in the writ petition cannot be granted. The learned Counsel for the 5th respondent Bank also submitted that, to recover the loss, an application was moved before the Debt Recovery Tribunal as O.A No.10/2010. That is later transferred to bench 2 as T.A No.1105/16 which is pending consideration at Debt Recovery Tribunal, and is posted to 08.04.2025. However, going through the prayer, it appears that the petitioner seeks for a direction to respondents 1 to 4 to recover the amounts misappropriated by the 6th respondent from the accounts of the Community Development Society, and remit the same in an account maintained by the



Community Development Society with the 5th respondent Bank and also call for records leading to Ext.P5 summons in O.A No.10/2012 on the files of the Debt Recovery Tribunal, Kerala at Ernakulam passed against the petitioner. Finally, he seeks for a direction to respondents 1 to 3 to take urgent action for the expeditious disposal of Ext.P7.

6. I have heard Sri.Surin George Ipe, the learned Counsel for the petitioner and Sri.S Jayakrishnan, the learned Counsel for the 6th respondent, Sri. A Balagopal, the learned Counsel for the 5th respondent Bank and the learned Government Pleader for the official respondents.

7. Going by the contentions raised in the writ petition, it appears that, the primary prayer sought to recover the amount from the responsible person is not a matter comes under the jurisdiction of Article 226 of the Constitution of India. It is a matter to be agitated before the appropriate Forum. However, with respect to other prayers, especially that the disposal of Ext.P7, can be granted to the petitioner. Whereas, the difficulty pointed out is that, the representation was preferred on 19.11.2013.

8. Under such circumstances, I direct respondents 1 to 3 to consider and pass appropriate orders on Ext.P7, after



affording an opportunity of hearing to all the stakeholders, within a period of 6 weeks from the date of receipt of a copy of this judgment if it is pending in the files of the authorities concerned. I also direct the petitioner to provide a copy of the writ petition before respondents 1 to 3, when notice is served on them.

Accordingly, the writ petition is disposed of.

Sd/-

**P.M MANOJ
JUDGE**

AKH



APPENDIX OF WP(C) 8046/2014

RESPONDENT EXHIBITS

**EXHIBIT R6(A) TRUE COPY OF STATEMENT OF ACCOUNTS
DATED 12.12.2011 FOR GENERAL ADVANCES
FOR THE PERIOD 01.01.2006 TO
12.12.2011**

**EXHIBIT R6(B) TRUE COPY OF GOVERNMENT ORDER
(ORDINARY) NO. 2066/2022/LSGD DATED
24.08.2022**

PETITIONER EXHIBITS

**EXHIBIT P1 COPY OF THE EMPLOYMENT CARD ISSUED BY
THE AUTHORITIES DATED 27-6-2011**

**EXHIBIT P2 COPY OF THE LETTER DATED 01/01/2011
OF THE 4TH RESPONDENT ADDRESSED TO
THE 3RD RESPONDENT**

**EXHIBIT P3 COPY OF THE LETTER ISSUED BY THE 2ND
RESPONDENT TO THE 3RD RESPONDENT
DATED 13.2.2012**

**EXHIBIT P4 COPY OF THE REPRESENTATION SUBMITTED
BY THE PETITIONER DATED 19-11-2013**

**EXHIBIT P5 COPY OF THE NOTICE IN THE O.A.10/2012
BEFORE THE DEBTS RECOVERY
TRIBUNAL, ERNAKULAM**

**EXHIBIT P6 COPY OF THE STATEMENT SIGNED BY THE
EXECUTIVE DIRECTOR OF THE KUDUMBASREE
PROJECT, STATE POVERTY ERADICATION
PROJECT, GOVERNMENT OF
KERALA, THIRUVANANTHAPURAM DATED 16-2-
2012**

**EXHIBIT P7 COPY OF THE LETTER ISSUED BY THE 1ST
RESPONDENT DATAED 25.3.2011**

EXHIBIT P(A) COPY OF THE POSTAL RECEIPTS.