

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.SURENDRA MOHAN

WEDNESDAY, THE 31ST MARCH 2010 / 10TH CHAITHRA 1932

WP(C).No. 11355 of 2010(T)

PETITIONER(S):

**BALAYYAN.K, ARYA BHAVANAM,KUNTHALAM PARA,
KATTAPPANA,IDUKKI.**

**BY ADVS. SRI.P.SREEKUMAR,
SRI.K.S.MANU (PUNUKKONNOOR).**

RESPONDENT(S):

- 1. STATE OF KERALA,REPRESENTED BY ITS
SECRETARY TO CO OPERATIVE DEPARTMENT,GOVERNMENT
SECRETARIAT,THIRUVANANTHAPURAM.**
- 2. THE MALANADU CO OPERATIVE AGRICULTURAL
AND RURAL DEVELOPMENT BANK,NO 352,REPRESENTED BY
ITS SECRETARY,NEDUNGANDAM.**
- 3. THE SPECIAL SALE OFFICER,THE MALANADU
CO OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT
BANK,NO.352,NEDUNGANDAM.**
- 4. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES,IDUKKI.**

BY SR. GOVERNMENT PLEADER SRI. K.C. SANTHOSH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/03/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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K.SURENDRA MOHAN, J.

W.P.(C) No.11355 of 2010

Dated this the 31st day of March, 2010

JUDGMENT

The petitioner is a defaulter in repaying the housing loan that he had availed from the second respondent bank in the year 1999. Though he had made regular payments towards repayment of the debt, due to adversities faced by him in his agricultural operations, he could not make any further payments to the loan account. Therefore, the account is lying in default and the total amount that is being demanded by the bank is Rs.8,32,540/-. According to the petitioner, the petitioner has made a further payment of Rs.1 lakh towards the loan on 18.2.2010, as evidenced by Ext.P4.

2. The petitioner claims that he is entitled to the benefits of waiver of penal interest as well as waiver of the amounts due from him under the provisions of the notifications issued as a package for helping defaulters of agricultural loans. He had approached the bank by submitting necessary requests for being given the benefits of the said notifications. As per Ext.P3, he had also been called for a hearing on 28.1.2010. But, no orders have

been passed on his requests so far. The petitioner prays for appropriate directions to the bank for passing appropriate orders pursuant to Ext.P3, expeditiously.

3. In the above circumstances, this writ petition is disposed of directing the 4th respondent to pass final orders pursuant to the hearing that was conducted as per Ext.P3 on the application submitted by the petitioner seeking the benefits of the agricultural debt waiver schemes that are in force. Orders as indicated above shall be passed as expeditiously as possible and at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

**K.SURENDRA MOHAN,
JUDGE**

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