

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

THURSDAY, THE 31ST DAY OF MAY 2012/10TH JYAISHTA 1934

WP(C).No. 4900 of 2012 (J)  
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PETITIONER:  
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T. VIJAYARAJAN, AGED 56 YEARS  
S/O.THANKAPPAN, VIJAYARAJAN BUNGLOW  
MANCHAVILAKOM.P.O., DHANUVACHAPURAM VIA  
THIRUVANANTHAPURAM.

BY ADVS.SRI.VINOD J.DEV  
SRI.PRAMOD J.DEV

RESPONDENTS:  
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1. STATE OF KERALA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF REVENUE (CO-OPERATIVE SOCIETIES)  
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE REGISTRAR  
CO-OPERATIVE SOCIETIES, SECRETARIAT  
THIRUVANANTHAPURAM 695 001.
3. ASSISTANT REGISTRAR/VALUATION OFFICER  
PRIMARY CO-OPERATIVE AGRICULTURAL AND  
RURAL DEVELOPMENT BANK LTD.  
NEYYATTINKARA, THIRUVANANTHAPURAM 695 121.
4. THE MANAGER  
PRIMARY CO-OPERATIVE AGRICULTURAL AND  
RURAL DEVELOPMENT BANK LTD.NO.T.417  
NEYYATTINKARA, THIRUVANANTHAPURAM 695 121.
5. THE SPECIAL SALE OFFICER  
PRIMARY CO-OPERATIVE AGRICULTURAL AND  
RURAL DEVELOPMENT BANK LTD.NO.T.417  
NEYYATTINKARA, THIRUVANANTHAPURAM 695 121.

BY ADV. SRI.V.G.ARUN  
BY ADV. SRI.T.R.HARIKUMAR  
BY GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
31-05-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT P1-A TRUE COPY OF COMMUNICATION DATED 4.11.2011 ISSUED BY THE  
1ST RESPONDENT.

EXHIBIT P2-TRUE COPY OF THE ORDER DATED 11.11.2011 ISSUED BY 3RD  
RESPONDENT.

EXHIBIT P3-A TRUE COPY OF SALE NOTICE DATED 13.1.2012.

RESPONDENTS' EXHIBITS NIL

JJ

/TRUE COPY/

P.S. TO JUDGE

**K. SURENDRA MOHAN, J.**

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**W.P(C) NO: 4900 OF 2012**  
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**Dated this the 31<sup>st</sup> May, 2012.**

**JUDGMENT**

The counsel for the petitioner submits that the petitioner would remit the entire amount due to the fourth respondent bank if he is permitted to pay the outstanding amount in monthly instalments. The counsel for the fourth respondent submits that the petitioner may be directed to pay the balance amount due which works out to ₹86,732/- as on 19-3-2012 in six monthly instalments.

2. Considering the financial condition of the petitioner, I am satisfied that the petitioner can be permitted to pay the entire amount due in monthly instalments of ₹.10,000/- each.

3. This writ petition is accordingly disposed of directing the petitioner to pay the entire amount due to the fourth respondent in monthly instalments of ₹10,000/- each, the first instalment to be paid on or before 15-6-2012. The subsequent instalments shall be paid on or before 15<sup>th</sup> of each succeeding month thereafter. Pending payment of the instalments, all action to recover the amounts demanded shall be kept in abeyance. It is made clear

that in the event of the petitioner defaulting payment of any of the instalments the bank shall be free to proceed to recover the amounts due by taking recourse to remedies available under law.

Sd/-  
K. SURENDRA MOHAN  
Judge

jj

/True copy/

P.S.to Judge