

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 31ST DAY OF OCTOBER 2017/9TH KARTHIKA, 1939

WP(C).No. 34775 of 2017 (V)

PETITIONER(S):

**IRSHAD M.M,
AGED 44 YEARS, S/O. MOHAMMED, MOLLA HOUSE, KANDANTHARA,
ALLPARA P.O, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.C.A.NAVAS
SRI.T.K.SASIKUMAR
SRI.P.A.SHAJI SAMAD
SMT.E.G.AMBILY**

RESPONDENT(S):

- 1. THE BRANCH MANAGER, UNION BANK OF INDIA,
ARACKAPADY BRANCH, PERUMBAVOOR, ERNAKULAM DISTRICT.
PIN-683031.**
- 2. THE REGIONAL MANAGER,
UNION BANK OF INDIA, REGIONAL OFFICE,
ERNAKULAM DISTRICT 683031.**
- 3. THE AUTHORISED OFFICER/RECOVERY OFFICER,
UNION BANK OF INDIA, ARACKAPADY BRANCH, PERUMBAVOOR,
ERNAKULAM DISTRICT 683031.**
- 4. THE VILLAGE OFFICER,
VENGOLA VILLAGE, VENGOLA, ERNAKULAM DISTRICT 683031.**
- 5. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, KUNNATHGUNAD TALUK,
ERNAKULAM DISTRICT 683101.**

**R1 TO R3 BY SRI.A.S.P.KURUP, SC
R4 & R5 BY SENIOR GOVERNMENT PLEADER SMT.K.R.DEEPA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-10-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

TS

WP(C).No. 34775 of 2017 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 THE TRUE COPY OF THE NOTICE DATED 03.08.2017.**
- EXHIBIT P2 THE TRUE COPY OF THE LETTER DATED 14.09.2017.**
- EXHIBIT P3 THE TRUE COPY OF THE PRINT OUT OF E-MESSAGE RECEIVED
BY THE PETITIONER REGARDING REMITTANCE RS. 1,00,000/-**
- EXHIBIT P4 THE TRUE COPY OF THE NOTICE NO.RRC NO.2017/3864/07
DATED 23.10.2017 UNDER SECTION 7 OF THE RR ACT.**
- EXHIBIT P5 THE TRUE COPY OF THE NOTICE NO.RRC NO. 2017/3864/07
DATED 23.10.2017 UNDER SECTION 7 OF THE RR ACT.**

RESPONDENT(S)' EXHIBITS - NIL

/TRUE COPY/

PS TO JUDGE

TS

K. VINOD CHANDRAN, J.

W.P.(C) No. 34775 of 2017 (V)

Dated this the 31st day of October, 2017

J U D G M E N T

The petitioner is aggrieved with the revenue recovery proceedings initiated against the petitioner's property.

2. The learned Counsel for the first respondent Bank appears and submits that the total outstanding dues comes to Rs.46,88,470/-. There is no question of regularisation since the unit itself has become closed.

3. The liability and the default are admitted. Considering the facts of the case and the alleged impecunious circumstances of the petitioner, this writ petition is disposed of on the following terms:

(i) The total outstanding dues is said to be Rs.46,88,470/- as on 31.05.2017.

(ii) The 2nd respondent shall grant fifteen monthly instalments for the payment of the entire outstanding dues

starting from 12.11.2017 and continued on the 12th of the successive months. Accrued interest due and the collection charges at the rate of 1% would be payable as the 13th instalment, for which a demand shall be made. The collection charges on payment shall be made over to the revenue recovery authorities.

(iii) Recovery proceedings shall be kept in abeyance on condition that the remittances as per this order are made without any default.

(iv) On the petitioner making two defaults in repaying the installments, the recovery steps initiated shall revive and continue.

(v) On the petitioner satisfying the entire arrears, the recovery proceedings shall be unenforceable.

Sd/-

K.VINOD CHANDRAN,
JUDGE

al/31/10/2017.

True copy

P.S to Judge