



2024:KER:76828

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 16TH DAY OF OCTOBER 2024/24TH ASWINA, 1946

WP(C) NO. 36157 OF 2024

PETITIONER:

**GEETHA N
AGED 51 YEARS, D/O SANKARAN NARAYANAN,
RESIDING AT NOTTIYATH HOUSE, LAKKIDI PERUR,
LAKKIDI PERUR-II VILLAGE, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679 302.**

BY ADVS.

**N.SATHEESH KUMAR(NEMMARA)
SANTHOSHKUMAR N.**

RESPONDENTS:

- 1 THE KERALA STATE FINANCIAL ENTERPRISE LTD.
REPRESENTED BY ITS MANAGING DIRECTOR,
"BHADRATHA", MUSEUM ROAD, THRISSUR,
PIN - 680 001.**
- 2 SPECIAL DEPUTY TAHSILDAR, KSFE PALAKKAD
OFFICE OF THE SPECIAL DEPUTY TAHSILDAR,
PALAKKAD II BRANCH, OPP. AROMA THEATRE,
PIN - 678 001.**
- 3 THE MANAGER
CHANDRA NAGAR BRANCH, 12/386, NH JUNCTION,
COIMBATORE ROAD, CHANDRANAGAR COLONY,
PALAKKAD, PIN - 678 007.**
- 4 THE VILLAGE OFFICER
LEKKIDI PERUR II VILLAGE, OLD LAKKIDI,
OTTAPALAM TALUK, PALAKKAD, PIN - 679 302.**



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BY ADVS

**BINDU, STANDING COUNSEL
RESMI THOMAS, GOVERNMENT PLEADER, FOR**

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**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 16.10.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



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JUDGMENT

Dated this the 16th day of October, 2024

The petitioner has approached this Court aggrieved by the coercive proceedings for recovery of financial advance made by the Kerala State Financial Enterprise Limited to the petitioner, invoking the provisions of the Kerala Revenue Recovery Act, 1968.

2. The 3rd respondent paid ₹15 lakhs to the petitioner as Loan in the year 2020. The petitioner states that though the petitioner made remittances promptly during the initial repayment period of the financial advance, she could not pay the repayment instalments promptly later. The repayment of loan fell into arrears later. It happened due to reasons beyond the control of the petitioner.

3. Though the petitioner requested the 3rd respondent to permit the petitioner to repay the overdue



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amounts in easy monthly instalments, the respondent authorities were not yielding. The authorities, instead, started coercive proceedings, invoking the provisions of the Kerala Revenue Recovery Act, 1968 and issued Ext.P1 notice.

4. The petitioner states that she is still in a position to clear the overdue amounts towards the loan, if sufficient time is given to clear the dues in easy monthly instalments. If the respondents are permitted to continue with the coercive proceedings and auction the secured assets provided by the petitioner, she will be put to untold hardship and loss.

5. Standing Counsel entered appearance on behalf of the 3rd respondent and denied all the statements made by the petitioner. On behalf of the respondents, it is submitted that the loan was given to the petitioner in the year 2020. The petitioner committed default in repaying the loan.



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6. The 3rd respondent repeatedly reminded the petitioner and required her to clear the dues. The petitioner deliberately omitted to do so. In the circumstances, the 3rd respondent had no other go than to proceed against the petitioner invoking the provisions of the Kerala Revenue Recovery Act, 1968. The impugned Ext.P1 was issued in these circumstances. The petitioner has not advanced any legal reasons to thwart the coercive proceedings initiated by the 3rd respondent.

7. The Standing Counsel, however, submitted that if the petitioner is ready and willing to make a substantial payment soon and remit the balance outstanding amount immediately thereafter, a short breathing time can be granted to the petitioner to clear the dues. The Standing Counsel submitted that the outstanding amount due to the 3rd respondent from the petitioner as on 31.10.2024 is ₹23,58,421/-.



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8. I have heard the counsel for the petitioner and the Standing Counsel representing the 1st respondent. I have also heard the Government Pleader representing respondents 2 and 4.

9. The specific case of the petitioner is that the petitioner has been making the repayment and maintaining the loan account initially. The default in repayment of the loan occurred lately due to reasons beyond the control of the petitioner. The petitioner has provided substantial security which will safeguard the interest of the 3rd respondent.

10. In the facts and circumstances of the case, I am inclined to dispose of the writ petition giving a short and reasonable time to the petitioner to clear off the liability.

11. The writ petition is therefore disposed of with the following directions:

- (i) The petitioner shall remit the outstanding amount of ₹23,58,421/- in 24



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consecutive and equal monthly instalments along with accruing interest and other administrative charges, if any. First of such instalments shall be paid on or before 16.11.2024.

(ii) If the petitioner commits single default in making payments as directed above, the respondents will be at liberty to continue with the coercive proceedings against the petitioner in accordance with law.

(iii) If the petitioner makes payments as directed above, coercive proceedings, if any, against the petitioner shall stand deferred.

Sd/-
N.NAGARESH
JUDGE

AMR



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APPENDIX OF WP(C) 36157/2024

PETITIONER'S EXHIBITS

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| Exhibit P-1 | A PHOTOCOPY OF THE DEMAND NOTICE AND ATTACHMENT NOTICE ISSUED BY THE SEPCIAL DEPUTY TAHSILDAR(RR), KSFE, PALAKKAD DATED 22/07/2024 AND 24/07/2024. |
| Exhibit P-2 | A PHOTOCOPY OF THE SALE DEED NO. 2234/2020 OF SRO OTTAPALAM DATED 04/11/2020. |
| Exhibit P-3 | A PHOTOCOPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICER LAKKIDIPERUR-2, DATED 15/12/2020. |