

Bathisha vs the Authorised Officer

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/31198/2023

Appellant : Bathisha

Respondent : The Authorised Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 WP(C) NO. 31198 OF 2023 PETITIONER BATHISHA AGED 40 YEARS S/O IBRAHIM, ATTAGOLI HOUSE, PO KAYYAR, UPPALA, KASARAGOD DISTRICT, PIN - 671322 BY ADV DEEPAK RAJ RESPONDENTS:

1 THE AUTHORISED OFFICER THE MANJESWARAM PRIMARY COOPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, UPPALA P.O., KASARAGOD DISTRICT, PIN - 671322 2 THE MANJESWARAM PRIVAMAR COOPERATIVE AGRICULTURAL AND

RURAL DEVELOPMENT BANK REPRESENTED BY ITS SECRETARY,
THE MANJESWARAM PRIVAMAR COOPERATIVE AGRICULTURAL
AND RURAL DEVELOPMENT BANK, UPPALA P.O., KASARAGOD
DISTRICT, PIN - 671322 3 STATE OF KERALA REPRESENTED BY
ITS SECRETARY, MINISTRY OF COOPERATION, ROOM O. 397, 1ST
FLOOR, MAIN BLOCK, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001 SMT.C.S.SHEEJA - SR GP THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON

31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: WP(C) NO. 31198 OF 2023 2

JUDGMENT

The limited plea of the petitioner is that the respondent - Bank be directed to allow him to pay off the overdue amount in the loan account in 24 equal monthly installments so as to have it regularised. He submitted that he is constrained to make this request because of the financial constraints he is facing and hence being unable to make payment in lump sum.

2. The endorsements on the files of this case indicate that the petitioner has already taken out notice to the respondents 1 and 2 by speed post.

3. It is rather distressing that the respondents 1 and 2 have still

refused to appear before this Court. However, this cannot be a reason for this Court to refrain from passing appropriate orders. In the afore circumstances, I allow this writ petition, leaving liberty to the petitioner to approach the Bank with an appropriate representation seeking any relief/claim that he may make; and if this is done within a period of two weeks from the date of receipt of a copy of this judgment, the same shall be considered by the competent Authority of the said Bank, after affording him an opportunity of being heard, thus culminating in an appropriate order and necessary action thereon WP(C) NO. 31198 OF 2023 3 without any avoidable delay thereafter. Needless to say, until such time as the afore is done and the

resultant order communicated to the petitioner, the interim order

granted by this Court on 25.09.2023 will continue to be in operation. I, however, clarify that I have not entered into the merits of any of the claims of the petitioner and that they are left to be decided by the respondent - Bank appropriately. Sd/-
DEVAN RAMACHANDRAN JUDGE MC/5.6 WP(C) NO. 31198 OF 2023 4
APPENDIX OF WP(C) 31198/2023 PETITIONER EXHIBITS Exhibit P1 TRUE
COPY OF THE NOTICE ISSUED UNDER

SECTIONS 19 TO 25 AS PER RULE 8 OF THE KERALA STATE COOPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK ACT 1984 DATED
09.08.2023 Exhibit P2 TRUE COPY OF THE LETTER DATED 24.08.2023
ISSUED BY THE ASSISTANT REGISTRAR/VALUATION OFFICER OF THE
MANJESWARAM PRIMARY COOPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK

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