

Leela.K.K vs the State of Kerala

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Court : Kerala

Decided On : Apr-12-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/13221/2023

Appellant : Leela.K.K

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 12TH DAY OF APRIL 2023 / 22ND CHAITHRA,
1945 WP(C) NO. 13221 OF 2023 PETITIONER: LEELA.K.K.,AGED 60
YEARS,W/O.SATHEESAN , PUTHUSSERY HOUSE,
PURANATTUKARA, PUZHKKAL.P.O, THRISSUR DISTRICT., PIN -
680583 BY ADVS.C.D.DILEEP SHYLAJA VARGHESE M.L.REMYA
DHEERAJ PRADEEP C. RESPONDENTS: 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY, CO-OPERATIVE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695014 2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES
JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION, THYCAUD.P.O,

THIRUVANANTHAPURAM, PIN - 695014 3 THE JOINT REGISTRAR (GENERAL), CO-OPERATIVE SOCIETIES CIVIL STATION, AYYANTHOLE, THRISSUR DISTRICT, (CHAIRMAN, DISTRICT LEVEL COMMITTEE)., PIN - 680003 4 ADAT FARMER'S SERVICE CO-OPERATIVE BANK LTD NO.689 PURANATTUKARA.P.O, THRISSUR DISTRICT, REPRESENTED BY ITS SECRETARY, PIN - 680551 5 THE ADMINISTRATOR, ADAT FARMER'S SERVICE CO-OPERATIVE BANK LTD NO.R.689, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, CIVIL STATION, AYYANTHOLE, THRISSUR DISTRICT, PIN - 680003 6 STATE LEVEL STEERING COMMITTEE REPRESENTED BY CHAIRMAN CO-OPERATION, ONE TIME SETTLEMENT SCHEME OF CO-OPERATIVE SOCIETIES, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 OTHER PRESENT: SRI. P C SASIDHARAN (SC), SMT. C S SHEEJA (SR GP) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.13221/2023 2

JUDGMENT

The petitioner has approached this Court seeking a limited relief. She prays that Ext.P7 request filed by her before the Administrator of the 4th respondent Bank be considered and disposed of within a time frame to be fixed by this Court. It is the case of the petitioner that the petitioner is entitled to settle this loan account under the provisions of the " -2023 (hereinafter referred to as the '2023 Scheme'). It is the case of the respondent Bank that since credit facility in question is an overdraft facility, the petitioner cannot claim that the account be settled in terms of the 2023 Scheme. The learned counsel for the petitioner has a case that though the loan in question is described as an overdraft facility, the same cannot be considered as an overdraft facility as the respondent Bank had obtained permission to grant overdraft only in the year 2014, and the loan was availed prior to that.

2. Having heard the learned counsel for the petitioner and

the learned counsel appearing for the respondent Bank, this writ petition will stand disposed of directing the 5 th respondent to consider and pass orders on Ext.P7 forthwith. Considering the fact that the term of the 2023 Scheme is set to expire on 30.4.2023, it is directed that the petitioner shall appear before the Bank on 19.4.2023 on which W.P.(C)No.13221/2023 3 date Ext.P7 request submitted by the petitioner shall be considered either by the Administrator or any other competent authority of the Bank. Orders shall be issued on or before 30.4.2023.

Sd/- GOPINATH P. JUDGE acd W.P.(C)No.13221/2023 4 APPENDIX OF WP(C) 13221/2023 PETITIONER EXHIBITS Exhibit-P1 A TRUE COPY OF THE LOAN PASS BOOK NO.02/08-09 DATED 13/11/2008 OF THE PETITIONER Exhibit-P2 A TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK SHOWING ALLOTMENT OF LOAN ON 13/10/2010 AS OD.2223 OF THE PETITIONER Exhibit-P3 A TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK OD.NO.2527 DATED 21/10/2013 OF THE PETITIONER Exhibit-P4 A TRUE COPY OF THE PETITION FOR SETTING ASIDE THE EX-PARTE AWARD PASSED ON 23/04/2018. Exhibit-P5 A TRUE COPY OF THE JUDGMENT DATED 31/05/2022 IN WP(C)NO.16944 OF 2022 OF THIS HON'BLE HIGH COURT. Exhibit-P6 A TRUE COPY OF THE ONE TIME SETTLEMENT CIRCULAR NO.3/2023 DATED 31/01/2023 ISSUED BY THE 2ND RESPONDENT REGISTRAR Exhibit-P6(a) A TRUE COPY OF THE CIRCULAR NO. 18/2023 DATED 30.03.2023 OF THE REGISTRAR. Exhibit-P7 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE RESPONDENTS 3, 4 AND 5 DATED 14/02/2023. Exhibit-P8 A TRUE COPY OF THE POSTAL RECEIPT DATED Exhibit-P8(a) A TRUE COPY OF THE POSTAL RECEIPT DATED Exhibit-P8(b) A TRUE COPY OF THE POSTAL RECEIPT DATED