

C.M.Peter vs Kerala State Financial Enterprises Ltd[Ksfe]

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Court : Kerala

Decided On : Jun-01-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/17675/2023

Appellant : C.M.Peter

Respondent : Kerala State Financial Enterprises Ltd[Ksfe]

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945
WP(C) NO. 17675 OF 2023 PETITIONER: C.M.PETER AGED 78
YEARS S/O LATE MICHAEL, CHAKKALAKAL HOUSE, CARRIER
STATION ROAD, ERNAKULAM., PIN - 682016 BY ADVS. JEEVAN
MATHEW MANAYANI JOHNSON MANAYANI RESPONDENTS:

1 KERALA STATE FINANCIAL ENTERPRISES LTD[KSFE] MAIN
BRANCH, CHITTOOR ROAD, ERNAKULAM, REP.BY ITS MANAGER,
PIN - 682035 2 THE SPECIAL DEPUTY TAHSILDAR[RR] KERALA
STATE FINANCIAL ENTERPRISES LTD[KSFE], CHITTOOR ROAD,

ERNAKULAM., PIN - 682035 3 KERALA STATE FINANCIAL ENTERPRISES LTD BHADRATHA, MUSEUM ROAD, PB 50, THRISSUR, REP BY ITS MANAGING DIRECTOR, PIN - 680020 4 SECRETARY TO REVENUE SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 5 STATE OF KERALA REP. BY ITS CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

SRI.SALIL NARAYANAN, SC, SMT.VIDYA KURIAKOSE, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C).No. 17675 of 2023
----- Dated this the 1st day of June, 2023

JUDGMENT

This writ petition is filed with the following prayers:

i) Issue a writ of certiorari or any other writs, directions or order,quashing Exts.P1 and P2 proceedings of the 2nd respondent. ii) Declare that, the entire Exts.P1 and P2 proceedings are null and void. iii) To dispense with the filing of the translation of vernacular documents. iv) Issue such other order or direction which as deem fit and necessary by this Hon'ble Court.
[SIC]

2. The petitioner is an Electrical contractor. There

is some arrears to be paid to the 1st respondent in connection with a chitty loan. Now the revenue recovery proceedings are initiated against the petitioner. The petitioner submitted that, petitioner's wife died recently and he is not in a position to pay the amount in bulk. He requires installment facility to clear the liability.

Hence this writ petition.

3. Heard learned counsel for the petitioner and the learned Standing Counsel appearing for the 1st respondent. I also heard the learned Government Pleader, who appeared for respondents 2 to 5.

4. The learned Standing Counsel appearing for the

1st respondent submitted that, the amount due as on today is Rs.10,64,212/-. The learned counsel for the petitioner submitted that, the petitioner will be able to pay the amount in ten equal monthly installments. If that is the case, I think the prayer for installment facility can be allowed. Therefore this writ petition is allowed in the following manner :

(i) The petitioner is free to repay the entire amount of Rs.10,64,212/- due to the 1st respondent in 10 equal monthly installments starting from 01.07.2023.

(ii) If there is any default of two consecutive installments, respondents are free to proceed in accordance with law.

(iii) If the amount is paid as directed above, the

recovery based on Exts.P1 and P2 shall be deferred. Sd/- P.V KUNHIKRISHNAN
JUDGE AP APPENDIX OF WP(C) 17675/2023 PETITIONER EXHIBITS
Exhibit.P1 TRUE COPY OF THE NOTICE RRC NO.2022/20139/07 ISSUED BY
THE 2ND RESPONDENT TO THE PETITIONER DATED.18.1.2023 Exhibit.P2
TRUE COPY OF THE NOTICE RRC NO.2022/20130/07 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER DATED.18.1.2023 Exhibit.P3 TRUE COPY
OF THE PETITION FILED BY THE PETITIONER BEFORE THE RESPONDENTS
3 & 4 DATED.29.5.2023

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