

Rohini M vs the Manager

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SooperKanoon Citation : sooperkanoon.com/1386535

Court : Kerala

Decided On : Aug-25-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/28817/2023

Appellant : Rohini M

Respondent : The Manager

Judgement :

WP(C) NO. 28817 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945
WP(C) NO. 28817 OF 2023 PETITIONER/S: 1 ROHINI MAGED 55
YEARSW/O.PRABHAKARAN E.V., RESIDING AT MULLIKKAL HOUSE,
NEAR KURUVANTHATTA TEMPLE, VADAKKUMBAD P.O.,
RAMANTHALI VILLAGE, PAYYANNUR TALUK, KANNUR DISTRICT,
PIN - 670105 2 SREEHARI MAGED 23 YEARSS/O. PRABHAKARAN
E.V., RESIDING AT MULLIKKAL HOUSE, NEAR KURUVANTHATTA
TEMPLE, VADAKKUMBAD P.O., RAMANTHALI VILLAGE,

PAYYANNUR TALUK, KANNUR DISTRICT, PIN - 670105 BY ADVS.
T.MADHU C.R.SARADAMANI RENJISH S. MENON VRINDA T.S.
AISWARYA JAYAPAL RESPONDENT/S: 1 THE MANAGERSTATE
BANK OF INDIA, RASMEC KANHANGAD, RAMNAGAR ROAD,
KOTTACHERY, KANHANGAD, KASARAGOD DISTRICT, PIN - 671315
2 THE DISTRICT COLLECTORKANNUR, CIVIL STATION, KANNUR
DISTRICT, PIN - 670002 3 THE DEPUTY TAHSILDARPAYYANNUR
TALUK, TALUK OFFICE BUILDING, ANNUR ROAD, PAYYANNUR,
KANNUR DISTRICT, PIN - 670307 4 THE VILLAGE
OFFICERRAMANTHALI VILLAGE, KANNUR WP(C) NO. 28817 OF
2023 2 DISTRICT, PIN - 670308 5 MANUPRABHA MS/O.
PRABHAKARAN E.V., POOMALA HOUSE, VADAKKUMBAD P.O.,
RAMANTHALI VILLAGE, PAYYANNUR TALUK, KANNUR DISTRICT,
PIN - 670105

OTHER PRESENT: SRI.GILBERT GEORGE CORREYA, SC, SMT.
VIDYA KURIAKOSE, GP THIS WRIT PETITION (CIVIL) HAVING COME
UP FOR ADMISSION ON 25.08.2023, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING: WP(C) NO. 28817 OF 2023 3
P.V.KUNHIKRISHNAN, J ----- W.P.(C.) No.
28817 of 2023 ----- Dated this the 25th day of
August, 2023

JUDGMENT

The above writ petition is filed with following prayers :

(i) Issue a writ of certiorari and quash the Exhibits P2 to P5 revenue recovery notices dated 19/7/2023 issued by the third respondent, so as to secure the ends of justice.

(ii) Issue a writ of mandamus or any other appropriate writ,

direction or order directing the third respondent to consider and take appropriate further action on Exhibit P6 representation dated 3/8/2023

submitted by the petitioners before the third respondent as expeditiously as possible and within a time frame fixed by this Honourable Court, so as to secure the ends of justice.

(iii) This Honourable Court may be pleased to dispense with filing of the English translation of documents which is in vernacular Language, so as to secure the ends of justice. And WP(C) NO. 28817 OF 2023 4

(iv) Such other relief's as this Hon'ble Court may deem fit and proper in the circumstances of the case [SIC]

2. The 5th respondent herein availed two MSME loans

from the 1st respondent. It is the case of the petitioners that they defaulted in repaying the above loans. The husband of the 1st petitioner, Sri.E.V. Prabhakaran was the owner of the property covered by Ext.P1. He died intestate in respect of the above properties. He is survived by the petitioners, 5 th respondent herein and one Sanuprabha, the brother of the 2 nd petitioner as his legal heirs. The 3 rd respondent issued Exts.P2 to P5 revenue recovery notices against the property covered by Ext.P1 owned by the husband of the 1st petitioner, Sri.E.V. Prabhakaran. According to the petitioners, the revenue recovery proceedings initiated against the property covered by Exts.P2 to P5 is illegal and is in arbitrary exercise of power. The petitioners submitted Ext.P6 before the 3 rd respondent. The grievance of the petitioners is that the same is also not considered. WP(C) NO. 28817 OF 2023 5

3. Heard the learned counsel for the petitioners and the

learned Standing Counsel appearing for the 1 st respondent. I also heard the learned Government Pleader who appeared for respondent Nos. 2 to 4. No notice is necessary to the 5 th respondent because of the way in which this writ petition is going to be disposed of.

4. After hearing both sides, I think this writ petition

itself can be disposed of directing the 3rd respondent to consider Ext.P6 within a time frame. Therefore, this writ petition is disposed of with the following directions :

1) The 3rd respondent is directed to consider and pass appropriate orders in Ext.P6 after giving an opportunity of hearing to the petitioners and the 5th respondent as expeditiously as possible, at any rate, within one month from the date of receipt of a certified copy of this

judgment.

2) Till final orders are passed, the recovery against the WP(C) NO. 28817 OF 2023 6 petitioners alone shall be deferred. 3) The petitioners will produce a certified copy of this

judgment along with a copy of this writ petition before the

3rd respondent for compliance. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS WP(C) NO. 28817 OF 2023 7 APPENDIX OF WP(C) 28817/2023 PETITIONER EXHIBITS Exhibit-P1 THE TRUE COPY OF THE BASIC TAX RECEIPT DATED 25/5/2023 ISSUED BY THE VILLAGE OFFICER, RAMANTHALI VILLAGE Exhibit-P2 THE TRUE COPY OF THE REVENUE RECOVERY

NO.2023/5432/13 ISSUED BY THE THIRD RESPONDENT UNDER SECTION 7 OF THE REVENUE RS.712852/- FROM THE FIFTH RESPONDENT Exhibit-P3 THE TRUE COPY OF THE REVENUE RECOVERY NO.2023/5432/13 ISSUED BY THE THIRD RESPONDENT UNDER SECTION 34 OF THE REVENUE RS.712852/- FROM THE FIFTH RESPONDENT Exhibit-P4 THE TRUE COPY OF THE REVENUE RECOVERY NO.2023/5433/13 ISSUED BY THE THIRD RESPONDENT UNDER SECTION 7 OF THE REVENUE RS.423947/- FROM THE FIFTH RESPONDENT Exhibit-P5 THE TRUE COPY OF THE REVENUE RECOVERY NO.2023/5433/13 ISSUED BY THE THIRD RESPONDENT UNDER SECTION 34 OF THE REVENUE RS.4,23,947/- FROM THE FIFTH RESPONDENT Exhibit-P6 THE TRUE COPY OF THE REPRESENTATION DATED BEFORE THE THIRD RESPONDENT