

Robert George vs the Managing Director

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Court : Kerala

Decided On : Nov-09-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/37002/2023

Appellant : Robert George

Respondent : The Managing Director

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 9TH DAY OF NOVEMBER 2023 / 18TH KARTHIKA, 1945 WP(C) NO. 37002 OF 2023 PETITIONER: ROBERT GEORGE AGED 57 YEARS, S/O. THE LATE GEORGE, NELLIKKUNNEL HOUSE, KALLURUTTY P.O, OMASSERY VIA, KOZHIKODE DISTRICT - 673582 BY ADVS. S.ABHILASH K.SIJU ANJANA KANNATH RESPONDENTS: 1 THE MANAGING DIRECTOR KERALA STATE FINANCIAL ENTERPRISES LTD., KSFE LTD., HEAD OFFICE, BHADRATHA, MUSEUM ROAD, THRISSUR, PIN - 680020 2 THE BRANCH MANAGER THE KERALA STATE FINANCIAL ENTERPRISES LTD. MEDICAL COLLEGE BRANCH, KOZHIKODE, PIN

- 673008 3 SPECIAL DEPUTY TAHSILDAR (RR) THE KERALA STATE FINANCIAL ENTERPRISES LTD. KALLAI ROAD, KOZHIKODE, PIN - 673002 BY ADV. SRI. SALIL NARAYANAN K.A., SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

DEVAN RAMACHANDRAN, J.

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Dated this the 9th day of November, 2023

JUDGMENT

The petitioner has approached this Court impugning Ext.P7; but concedes that he has already preferred Ext.P8 representation, which has not yet been disposed of.

2. Smt.Anjana Kannath - learned counsel for the petitioner,

submitted that her client is awaiting terminal benefits from his earlier employer, where he was working as a Higher Secondary School teacher; and he has already preferred O.A.No.107/2023, before the Kerala Administrative Tribunal, Ernakulam, seeking the same. She says that, therefore, until such time as her client is able to garner resources to pay off the entire loan liability, all further action pursuant to Ext.P7, for sale of his property, be ordered to be deferred.

3. Sri.Salil Narayanan K.A. - learned Standing Counsel for the

Kerala State Financial Enterprises Ltd. (KSFE), in response, submitted that the total liability from the petitioner, as regards 4 chitty and 2 loan transactions involved in this case, is Rs.60,96,798/-, as on 30.11.2023. He submitted that unless the petitioner pays at least 1/3rd of the same before 24.11.2023, when :3: the sale is scheduled, he cannot be given any further latitude. He added that, if he is to do so, then the balance can be allowed to be paid off by him in a few monthly installments.

4. However, Smt.Anjana Kannath - learned counsel for the

petitioner, conceded that her client is unable to accede to any of the afore suggestions because, he has no money to honour the same. She, therefore, prayed that this Court may allow her client to approach the KSFE with an apposite representation, seeking private sale of the property; thus leading to settlement of the accounts.

5. Sri.Salil Narayanan K.A., in response, submitted that

though the liberty of the petitioner to approach his client with an appropriate representation is not opposed, the fact is that he will have to pay substantially, if not fully, if the sale is to be averted. He added that he is making this submission because, petitioner is indebted to the KSFE for much larger amounts under various other transactions also, to an extent of more than Rs.4 crores and 40 lakhs.

6. When I consider the afore rival submissions, it is evident

that this Court cannot come to the aid of the petitioner unless concessions are offered by the KSFE. Since the learned counsel for the petitioner - Smt.Anjana Kannath, says that the suggestion made :4: by Sri.Salil Narayanan K.A. - learned Standing Counsel is not acceptable to her client, there is nothing that this Court can do, except allow him the liberty to approach its competent Authority with an appropriate representation seeking a private sale of the property. In the afore circumstances, this writ petition is allowed to the limited extent of leaving liberty to the petitioner to move the competent Authority of the KSFE with a request for private sale of the property, on such conditions as they may impose. If the petitioner is to do so within a period of two days from the date of receipt of a copy of this judgment, the same shall be considered and he shall be favoured with an appropriate response before the sale is conducted pursuant to Ext.P7. Sd/-
DEVAN RAMACHANDRAN JUDGE anm/stu :5: APPENDIX OF WP(C)
37002/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE NOTICE
ISSUED U/S.7 OF

THE REVENUE RECOVERY ACT REGARDING CHITTY NO. KKD/13354/2019-2020 DATED 18.3.2020 ISSUED BY THE 3RD RESPONDENT Exhibit P1(a) A TRUE COPY OF THE NOTICE ISSUED U/S.34 OF THE REVENUE RECOVERY ACT REGARDING CHITTY NO. KKD/13354/2019-2020 DATED 18.3.2020 ISSUED BY THE 3RD RESPONDENT

Exhibit P2 A TRUE COPY OF NOTICE DATED 18.3.2020 OF THE REVENUE RECOVERY ACT ISSUED IN RESPECT OF CHITTY NO.KKD/13360/2019-2020

Exhibit P3(a) A TRUE COPY OF NOTICE DATED 18.3.2020 IN RESPECT OF CHITTY NO.KKD/13390/2019- :6: Exhibit P6(a) TRUE COPY OF NOTICE DATED 15.10.2020 IN RESPECT OF CHITTY NO.KKD/13390/2019 Exhibit P7 A TRUE COPY OF THE SALE NOTICE DATED 15.9.2023 U/S.49(2) OF THE REVENUE RECOVERY ACT ISSUED BY THE 3RD RESPONDENT WITH REGARDING THE CHITTY NOS. KKD/13354, 13358, 13360, 13364, 13689 AND 13690 Exhibit P8 A TRUE COPY OF THE REPRESENTATION DATED 19.10.2023 SUBMITTED BY THE PETITIONER TO THE RESPONDENTS ALONG WITH ITS POSTAL RECEIPT RESPONDENTS' EXHIBITS : NIL.

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