



2024:KER:87490

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 21ST DAY OF NOVEMBER 2024/30TH KARTHIKA, 1946

WP(C) NO. 41177 OF 2024

PETITIONER:

ANANDAN
AGED 70 YEARS, S/O GOVINDAN ,
THENGUVILA VEEDU KUMMALLOOR.P.O,
KAITHAKUZHI, ADICHANALLLOOR,
KERALA, PIN - 691 573.

BY ADV
R.KISHORE (KALLUMTHAZHAM)

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY DEPARTMENT OF
CO-OPERATION, SECRETARIAT, TRIVANDRUM,
PIN - 695 001.
- 2 THE SPECIAL SALE OFFICER
OFFICE OF THE SPECIAL SALE OFFICER,
KOLLAM CO-OPERATIVE CIRCLE OFFICE,
OFFICE OF THE ASSISTANT REGISTRAR
GENERAL OFFICE, KOLLAM, PIN - 691 001.
- 3 SECRETARY
S.N.V.REGIONAL CO-OPERATIVE BANK,
PARAVOOR, KOLLAM, PIN - 691 301.

BY ADVS
SURESH KUMAR
RESMI THOMAS, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21.11.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

Dated this the 21st day of November, 2024

The petitioner has approached this Court aggrieved by the coercive proceedings for recovery of financial advance made by the S.N.V. Regional Co-operative Bank to the petitioner, invoking the provisions of the Kerala Co-operative Societies Act, 1969.

2. The Bank paid ₹3 lakhs to the petitioner as Loan in the year 2016. The petitioner states that though the petitioner made remittances promptly during the initial repayment period of the financial advance, he could not pay the repayment instalments promptly later. The repayment of loan fell into arrears later. It happened due to reasons beyond the control of the petitioner.

3. Though the petitioner requested the Bank to permit the petitioner to repay the overdue amounts in easy monthly instalments, the Bank authorities were not yielding.



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The authorities, instead, started coercive proceedings, invoking the provisions of the Kerala Co-operative Societies Act, 1969 and issued Ext.P1 notice.

4. The petitioner states that he is still in a position to clear the overdue amounts towards the loan, if sufficient time is given to clear the dues in easy monthly instalments. If the respondents are permitted to continue with the coercive proceedings and auction the secured assets provided by the petitioner, he will be put to untold hardship and loss.

5. Standing Counsel entered appearance on behalf of the Bank and denied all the statements made by the petitioner. On behalf of respondents 2 and 3, it is submitted that the loan was given to the petitioner in the year 2016. The petitioner committed default in repaying the loan.

6. The Bank repeatedly reminded the petitioner and required him to clear the dues. The petitioner deliberately



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omitted to do so. In the circumstances, the Bank had no other go than to proceed against the petitioner invoking the provisions of the Kerala Co-operative Societies Act, 1969. The impugned Ext.P1 was issued in these circumstances. The petitioner has not advanced any legal reasons to thwart the coercive proceedings initiated by the Bank.

7. The Standing Counsel, however, submitted that if the petitioner is ready and willing to make a substantial payment soon and remit the balance outstanding amount immediately thereafter, a short breathing time can be granted to the petitioner to clear the dues. The Standing Counsel submitted that the outstanding amount due to the Bank from the petitioner as on 21.11.2024 is ₹6,15,664/-.

8. I have heard the counsel for the petitioner and the Standing Counsel representing the Bank. I have also heard the Government Pleader representing the 1st respondent.



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9. The specific case of the petitioner is that the petitioner has been making the repayment and maintaining the loan account initially. The default in repayment of the loan occurred lately due to reasons beyond the control of the petitioner. The petitioner has provided substantial security which will safeguard the interest of the Bank.

10. In the facts and circumstances of the case, I am inclined to dispose of the writ petition giving a short and reasonable time to the petitioner to clear off the liability.

11. The writ petition is therefore disposed of with the following directions:

(i) The petitioner shall remit the outstanding amount of ₹6,15,664/- in 12 consecutive and equal monthly instalments along with accruing interest and other Bank charges, if any. First of such instalments shall be paid on or before 23.12.2024.



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(ii) If the petitioner commits single default in making payments as directed above, the respondents will be at liberty to continue with the coercive proceedings against the petitioner in accordance with law.

(iii) If the petitioner makes payments as directed above, coercive proceedings, if any, against the petitioner shall stand deferred.

Sd/-
N.NAGARESH
JUDGE

AMR



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APPENDIX OF WP(C) 41177/2024

PETITIONER'S EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | THE TRUE COPY OF THE NOTICE ISSUED BY THE
2ND RESPONDENT TO THE 1ST PETITIONER
DATED 06.11.2024 |
| Exhibit P2 | THE TRUE COPY OF THE REPRESENTATION
SUBMITTED BY THE PETITIONER DATED
18.11.2024 |
| Exhibit P3 | THE TRUE COPY OF THE LOAN PASSBOOK AND
ITS STATEMENT SUBMITTED BY THE PETITIONER
DATED 20.12.2006 |