



2025:KER:30213

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP(C) NO. 14519 OF 2025

PETITIONER:

NOUSHADALI P, AGED 45 YEARS
S/O PATHUMMA, RESIDING AT PALOTH (H) ,
POOVATHANI, THAZHEKODE P.O,
MALAPPURAM DISTRICT, PIN - 679322

BY ADVS.
NIRMAL V NAIR
VAISHNAVI SHAJI

RESPONDENTS:

- 1 KERALA STATE CO-OPERATIVE BANK LTD
RECOVERY SECTION, P.B. NO.8, MANJERI ROAD,
UPHILL, MALAPPURAM P.O., MALAPPURAM,
REPRESENTED BY ITS AUTHORISED OFFICER- 676505
- 2 MANAGER
KERALA STATE CO-OPERATIVE BANK, POOVATHANI
BRANCH, THAZHEKODE P.O., PERINTHALMANNA,
MALAPPURAM DISTRICT, PIN - 679322
- 3 DEPUTY TAHSILDAR
O/O OF THE DEPUTY TAHSILDAR,
PERINTHALMANNA TALUK, PERINTHALMANNA,
MALAPPURAM DISTRICT, PIN - 679322
- 4 VILLAGE OFFICER
THAZHEKODE VILLAGE OFFICE,
THAZHEKODE WEST P.O.,



2025:KER:30213

MALAPPURAM, PIN - 679322
SRI.GILBERT GEORGE CORREYA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The loan availed by the petitioner from the 1st respondent Bank fell in arrears. The Bank initiated proceedings under the SARFAESI Act. However, the Bank did not proceed further. Later, at the instance of the Bank, revenue authorities initiated recovery proceedings. Ext.P8 is the revenue recovery demand notice and Ext.P9 is the notice prior to attachment issued respectively under Sections 7 and 34 of the Kerala Revenue Recovery Act, 1968. Challenging Exts.P8 and P9, the petitioner has filed this writ petition.

2. Sri.Gilbert George Correya, the learned counsel for the 1st respondent Bank submits that, as on 03.04.2025, an amount of Rs.4,03,094/- is overdue in the loan account of the petitioner and the



2025:KER:30213

petitioner can be permitted to clear off the overdue amount in reasonable installments along with regular EMIs.

3. The learned counsel for the petitioner submits that the petitioner may be permitted to pay the overdue amount in 14 equal monthly installments.

In the facts and circumstances of the case, this writ petition is disposed of with the following directions:

(1) The petitioner shall pay the overdue amount of Rs.4,03,094/- along with accrued interest and applicable charges in 14 equal monthly installments commencing from 15.05.2025.

(2) The petitioner shall also pay the regular EMIs along with the



2025:KER:30213

installments.

(3) If the petitioner defaults payment of any of the installments, it will be open to the Bank to proceed against him for the recovery of amount, in accordance with law.

(4) To enable the petitioner to remit the installments, all coercive proceedings against him shall stand deferred.

Sd/-
MURALI PURUSHOTHAMAN
JUDGE

SB



2025:KER:30213

APPENDIX

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE LETTER NO. GPML-A/124/2021-22 DATED 21-6-2021 ISSUED BY THE MANAGER OF THE MALAPPURAM DISTRICT CO-OPERATIVE BANK, POOVATHANI BRANCH
- Exhibit P2 A TRUE COPY OF THE DEMAND NOTICE DATED 9-5-2023 ISSUED BY THE 2ND RESPONDENT
- Exhibit P3 A TRUE COPY OF THE NOTICE DATED 4-11-2023 ISSUED BY THE 2ND RESPONDENT
- Exhibit P4 A TRUE COPY OF THE NOTICE NO. HO:R.CELL/SARFAESI/PVTNI MAIN/15120356/2023-24 DATED 16-8-2023 ISSUED BY THE 1ST RESPONDENT
- Exhibit P5 A TRUE COPY OF THE PAYMENT RECEIPT DATED 7-3-2024 FOR ₹30,000/-
- Exhibit P6 A TRUE COPY OF THE PAYMENT RECEIPT DATED 13-3-2024 FOR ₹20,000/-
- Exhibit P7 A TRUE COPY OF THE PAYMENT RECEIPT DATED 17-7-2024 FOR ₹1,50,000/-
- Exhibit P8 A TRUE COPY OF THE NOTICE ISSUED IN RRC NO. 2024/3191/10 DATED 21-8-2024 UNDER SECTION 7 OF REVENUE RECOVERY ACT, 1968 BY THE 3RD RESPONDENT
- Exhibit P9 A TRUE COPY OF THE NOTICE DATED 24-8-2024 ISSUED UNDER SECTION 34 OF REVENUE RECOVERY ACT, 1968