

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 6308 of 2015 (K)

PETITIONER(S) :

SHAJI.R, AGED 47 YEARS,
S/O.G.RAMACHANDRAN NAIR, 'SREEBHUVANA', KARUMADY P.O.,
AMBALAPPUZHA, ALAPPUZHA DISTRICT.

BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
SRI.ARJUN RAGHAVAN

RESPONDENT(S) :

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR, DEPARTMENT OF ANIMAL HUSBANDRY,
VIKAS BHAVAN.P.O., THIRUVANANTHAPURAM-695 033.
3. THE ALAPPUZHA DISTRICT CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS GENERAL MANAGER,
ALAPPUZHA DISTRICT-688 001.
4. THE AUTHORISED OFFICER,
ALAPPUZHA DISTRICT CO-OPERATIVE BANK LTD.,
ALAPPUZHA DISTRICT-688 001.

* ADDITIONAL R5 TO R6 IMPLEADED

5. THE DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT,
PATTOM PALACE P.O., THIRUVANANTHAPURAM - 695 004.
6. THE DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT,
IRUMBU PALAM P.O., KALLUPALAM, ALAPPUZHA - 688 011.

* ADDITIONAL R5 AND R6 ARE IMPLEADED AS PER ORDER DATED 13.07.2015 IN
I.A.NO.9682 OF 2015.

R1, R2, R5 & R6 BY GOVERNMENT PLEADER SMT.LILLY K.T.
R3 & R4 BY ADV. SMT.K.N.RAJANI, S.C

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE TREATMENT CERTIFICATE ISSUED BY THE VETERINARY SURGEON, PUNNAPRA DATED 19.06.2012.
- P2: A TRUE COPY OF THE TREATMENT CERTIFICATE ISSUED BY THE VETERINARY SURGEON, ALAPPUZHA DATED 19.06.2012.
- P3: A TRUE COPY OF THE REPORT DATED 15.06.2012 OF THE DAIRY EXTENSION OFFICER.
- P4: A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE HUMAN RIGHTS COMMISSION.
- P5: A TRUE COPY OF THE ORDER NO.1453/2013 DATED 06.09.2013 OF THE HUMAN RIGHTS COMMISSION.
- P6: A TRUE COPY OF THE COMMUNICATION NO.C.B(3)23963/14 DATED 24.07.2014 OF THE 1ST RESPONDENT.
- P7: A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE HUMAN RIGHTS COMMISSION DATED 29.07.2014.
- P8: A TRUE COPY OF THE COMMUNICATION NO.4671/B/2014/CO-OP DATED 29.01.2015 ISSUED BY THE DEPARTMENT OF CO-OPERATION.
- P9: A TRUE COPY OF THE COMMUNICATION NO.7579/D1/14/AGRICULTURE DATED 12.02.2015 ISSUED BY THE DEPARTMENT OF DAIRY DEVELOPMENT.
- P10: A TRUE COPY OF THE RELEVANT PAGES OF THE NOTICE PUBLISHED IN MATHRUBHOOMI DAILY DATED 22.02.2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.6308 OF 2015

Dated this the 9th day of November, 2015

J U D G M E N T

The petitioner who had availed of a loan from the 3rd respondent bank, defaulted in repayment of the same. The bank accordingly initiated steps for recovery of loan amounts from the petitioner. The petitioner, highlighting his grievance and financial hardship, approached the Kerala State Human Rights Commission which by Ext.P5 order directed the Deputy Director, Dairy Development Department to consider writing off the loan availed by the petitioner taking note of the financial hardship faced by the petitioner. It is stated that thereafter, the Deputy Director, Dairy Development Department has written to the Registrar of Co-operative Societies to get a report from the 3rd respondent bank as regards the amounts that are due from the petitioner and the possibility of writing off the loan amount. It is stated that, the said report is awaited, and on receipt of the report, the State Government in the Dairy Development Department would have to take a decision as to whether or not the loan availed by the petitioner can be written off. The learned Government Pleader on instructions would submit that while the State Government has called for a report from the Registrar of Co-operative Societies, the said report is still awaited, and only after receipt of the said

report, the State Government can take a decision with regard to the writing off of the loan amount availed by the petitioner.

2. I have heard the learned counsel appearing on behalf of the petitioner, the learned Standing counsel for the respondent bank and the learned Government Pleader for the official respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar and taking note of the fact that a decision regarding the writing off of the loan availed by the petitioner is pending consideration before the State Government, I dispose the writ petition with the following directions:

The 5th respondent shall take a decision with regard to the writing off of the loan amounts due from the petitioner within a period of three months from the date of receipt of a copy of this judgment. The interim order granted by this Court against further proceedings pursuant to Ext.P10, insofar as the petitioner is concerned, shall continue to be in force till such time as the 5th respondent passes orders as directed and communicates the same to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

