

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WA.No. 1373 of 2011 ()

AGAINST THE ORDER IN WP(C) 13856/2011 of HIGH COURT OF KERALA DATED 01-08-2011

APPELLANT(S)/PETITIONER:

**SILPA PROJECTS & INFRASTRUCTURE(I)
OVT.LTD, 3RD FLOOR, NORTH AVENUE
PARAMARA ROAD
KOCHI-682018 REPRESENTED BY ITS MANAGING
DIRECTOR T.S. SANIL.**

**BY ADVS.SRI.DEVAN RAMACHANDRAN
SRI.K.M.PEER MOHAMMED KHAN
SRI.K.M.ANEESH**

RESPONDENT(S):

- 1. THE AUTHORISED OFFICER,
CHIEF MANAGER, SYNDICATE BANK, REGIONAL OFFICE
PIONEER TOWERS, 1ST FLOOR, SHANMUGHAM ROAD
ERNAKULAM-682 031.**
- 2. THE SECRETARY,
KODUNGALLOR GRAMA PANCHAYATH
ERNAKULAM DISTRICT 682011.**
- 3. THE VILLAGE OFFICER,
ALANGAD VILLAGE, PARUR TALUK, ERNAKULAM DISTRICT
PIN-682 011.**

**R2 BY ADV. SRI.SAJEEV KUMAR K.GOPAL
R3 BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER
R1 BY SRI.R.S.KALKURA, SC FOR BANK**

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 23-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 1373 of 2011
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Dated this the 23rd day of February, 2015

J U D G M E N T

Antony Dominic, J.

Heard the learned counsel for the appellant and the learned counsel appearing for the respondents.

2. This appeal is filed aggrieved by the interim order dated 01/8/11 passed by the learned single Judge in WP(C) No.13856/11.

3. In the writ petition, the appellant challenged Ext.P7, a communication issued by the respondent Bank calling upon the appellant to remit the balance bid amount within seven days from the date of receipt of the document and informing that on failure thereof, the bid amount of ₹12,25,000/- will be forfeited without further notice. They were also informed that the Bank will proceed with fresh auction of the property mentioned in Ext.P7. Although initially, interim order of stay as prayed for was granted, by the impugned order passed on 1st of August, 2011, the learned Judge declined to extend the order of stay. It was in such circumstances this appeal was filed.

4. When the appeal came up for consideration on 28/9/11, while admitting the matter, this Court passed an interim direction requiring the 1st respondent not to proceed with Ext.P7 and this order continues to be in force even now.

5. Having heard the learned counsel for both sides, we do not think that at this distance of time, it is necessary for this Court to go into the merits of the rival contentions as the interim order passed by the Division Bench of this Court continues in force even as of now. In such circumstances, the appropriate order to be passed now is to maintain the interim order and to leave it open to the parties to move for an early hearing of the writ petition itself.

Therefore, we dispose of this appeal maintaining the interim order dated 28/9/11 and clarifying that the parties will be at liberty to seek expeditious disposal of the writ petition.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

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PA to Judge