

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WA.No. 1428 of 2013 IN WP(C).14021/2011

AGAINST THE JUDGMENT IN WP(C) 14021/2011 DATED 26-03-2013

APPELLANT/PETITIONER :

SADASIVAN, AGED 52,
S/O.KOCHAVU, THARAYIL HOUSE, KONATHUKUNNU DESOM
THEKUMKARA VILLAGE, MUKUNDAPURAM TALUK
THRISSURDISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS/RESPONDENTS AND ADDL.RESPONDENT NO.4:

1. THE ICICICI BANK LTD.
M.G.ROAD BRANCH, REP. BY ITS BRANCH MANAGER
M.G.ROAD BRANCH, KOCHI, PIN: 682 011.
2. THE AUTHORIZED OFFICER, THE ICICI BANK LTD, M.G.ROAD
BRANCH, KOCHI, PIN: 682 011.
3. BENNY B.A., S/O.ANTONY, BHARANIKULAM HOUSE, PALLIPURAM
VILLAGE, MUKUNDAPURAM TALUK 680 001.
4. M.P.RAJU, 473, CHALIL HOUSE, NO.5, PATTIYAM GRAMA PANCHAYATH
THALASSERY, KANNUR 670 101

R1 & R2 BY ADVS. SRI.KKM.SHERIF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.P.MURALEEDHARAN (THURAVOOR)
SRI.V.S.SHIRAZ BAVA

R4 BY ADV.SRI.M.B.PRAJITH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.A. No. 1428 OF 2013

Dated this the 12th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

This writ appeal has been filed against the judgment dated 26.03.2013 in W.P.(C) No.14021 of 2011.

2. Proceedings under the SARFAESI Act, 2002 were initiated against the petitioner in which immovable property of the petitioner was sold on 25.05.2011. Learned Single Judge was of the opinion that the petitioner has to avail the benefit provided under the SARFAESI Act, hence the writ petition was dismissed.

3. Learned counsel for the appellant submits that sale was conducted on a price which was too low. Learned counsel for the respondent Bank submits that sale has already been confirmed and the property was handed over. As the sale has already been confirmed, we are of the opinion that the remedy of the petitioner is to approach the appropriate forum under Section 17 of the SARFAESI Act, 2002. There being statutory remedy, such issues cannot be adjudicated or

entertained in the writ petition. We do not seem any error in the judgment of the learned Single Judge. Accordingly, the Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**