

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WA.No. 1434 of 2014 () IN WP(C).15221/2012

AGAINST THE ORDER/JUDGMENT IN WP(C) 15221/2012 of HIGH COURT
OF KERALA DATED 27-06-2014

APPELLANT(S)/PETITIONER:

P.ABDU RAHIMAN
S/O. MUHAMMED, POTTANIKKAL HOUSE, POST KODINHI
MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUBAL

RESPONDENT(S)/RESPONDENTS:

1. THE CANARA BANK LIMITED
POST KOZHIKODE -688 051
REPRESENTED BY ITS ZONAL MANAGER.
2. THE BRANCH MANAGER
CANARA BANK, THIRURANGADI BRANCH,
POST THIRURANGADI
MALAPPURAM DISTRICT, PIN - 687 015.
3. THE DISTRICT INDUSTRIES CENTRE,
MALAPPURAM, PIN - 687 015.

R1-R2 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R1-R2 BY ADV. SRI.P.GOPINATH
R1-R2 BY ADV. SRI.P.BENNY THOMAS
R1-R2 BY ADV. SRI.K.JOHN MATHAI
R3 BY SMT.SOBHA ANNAMMA EAPEN, SR.GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 02-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jg-30/12

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
W.A.No.1434 of 2014
.....

Dated this the 2nd day of December, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.This writ appeal is against dismissal of a writ petition by the learned single Judge.
- 2.We have heard the learned counsel for the appellant/petitioner, the learned counsel for respondent Nos.1 and 2 and the learned Senior Government Pleader on behalf of respondent No.3.
- 3.The petitioner availed a loan from the first respondent Canara Bank. Later on, that account became sick and going by one of the papers produced as exhibits, it is shown that 'not a single paisa was repaid'. Thereafter, the petitioner tried to push through a modified project or a further project, and the District Industries Centre also declared the unit as sick. Though it is stated that the decision to declare the petitioner's establishment as a sick unit was made with the concurrence of the Bank, the fact of the matter

remains that in spite of the original amount being raised by way of further lending, there was no proper repayment. There is no violation of any RBI guidelines pointed out. There is also no allegation as to violation of any contract between the petitioner and the Bank. The plea is that the District Industries Centre's decision is not being concurred to by the Bank. We are of the view that the learned single Judge was justified in holding that the Bank cannot be compelled to issue any further decision in favour of the petitioner. In writ jurisdiction, we see that the learned single Judge has acted within the available limits of judicial review in such matters. This writ appeal, therefore, fails.

In the result, this writ appeal is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)