

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 2716 of 2015 (L)

PETITIONER:

**ABDUL KHADAR,
S/O IBRAHIMKUTTY, THOPPIL HOUSE,
P.O. NATTIKA, THRISSURE, PIN-680 566.**

**BY ADVS.SRI.P.K.MANOMOHANAN
SRI.N.A.GANAPATI**

RESPONDENT(S):

**1.THE STATE BANK OF TRAVANCORE,
REPRESENTED BY CHIEF MANAGER, STATE BANK OF TRAVANCORE
TRIPRAYAR BRANCH, TRIPRAYAR, P.O. NATTIKA,
THRISSUR DISTRICT, PIN-680566.**

**2. THE CHIEF MANAGER, STATE BANK OF TRAVANCORE,
TRIPRAYAR BRANCH, TRIPRAYAR, P.O. NATTIKA,
THRISSUR DISTRICT, PIN-680566.**

**R1 & R2 BY SRI.T.SETHUMADHAVAN (SR.) SC
R1 & R2 SRI.PUSHPARAJAN KODOTH
R1 & R2 SRI.K.JAYESH MOHANKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF BASIC TAX RECEIPT NO.4814732 DATED 6.8.2010.

**EXHIBIT P2: TRUE COPY OF POSSESSION NOTICE OF RESPONDENT NO.1 DATED
28.1.2014.**

**EXHIBIT P3: TRUE COPY OF ADVERTISEMENT OF SALE BY RESPONDENT NO.1
DATED 23.12.2014 MATHRUBHUMI DAILY.**

**EXHIBIT P4: TRUE COPY OF FAIR VALUE DECLARED BY GOVERNMENT OF KERALA
DATED 1.4.2010.**

**EXHIBIT P5: TRUE COPY REPRESENTATION BY PETITIONER TO RESPONDENT NO.1
DATED 12.1.2015.**

RESPONDENT(S)' EXHIBITS & ANNEXURES

**ANNEXURE- R1- TRUE COPY OF THE JUDGMENT DATED 20/06/2014 IN WP(C)
14896/2014 ON THE FILE OF THIS HONOURABLE COURT.**

/TRUE COPY/

P.A.TO JUDGE

vmr

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.2716 of 2015

.....
Dated this the 31st day of March, 2015

J U D G M E N T

The petitioner who has approached this Court challenging the steps initiated by the respondent bank for recovery of loan amounts, is a person who had already approached this Court a number of times earlier. In Annexure- R1 judgment, that was passed in W.P.(C).No.14896 of 2014, this Court had directed the petitioner to deposit 1/3rd of the amounts demanded by the respondent bank within a period of one month, and the balance arrears in 10 equal monthly instalments commencing from 20.08.2014. The said payment was to be made along with the regular EMIs. It is not in dispute that the petitioner did not comply with the said directions of this Court. Counsel for the respondent bank would also produce a copy of the judgment dated 04.12.2014 in W.P.(C).NO.30211 of 2014, where the petitioner had subsequently approached this Court, when the Court refused to grant any relief after noting that the petitioner had not complied with the directions of this Court in making payment by instalments. It is stated that when the physical possession of the property was taken over by the respondent bank, the petitioner encroached the property and broke open the door and created a scene, thereby

forcing the tenderers, who had come to bid the property as on the date of auction, to leave the place. It was taking note of the said fact, that this Court did not deem it necessary to entertain the writ petition at the instance of the petitioner. It is the same petitioner who has approached this Court with the present writ petition, seeking to interdict the sale proceedings initiated by the respondents for recovery of the loan amounts. In the light of what is stated above, I am of the view that the petitioner is not a person who is entitled to seek the discretionary relief of this Court under Article 226 of the Constitution of India.

Resultantly, the writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

