

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 3675 of 2015 (H)

PETITIONER:

SANKARANARAYAN V.R, AGED 54
S/O.RAMAN, VILLUAMANGALATH HOUSE, ULLAS NAGAR
VADAKKUMURY DESOM, PUTHENCHIRA VILLAGE
MUKUNDAPURAM TALUK, THRISSUR DISTRICT-680682

BY ADVS.SRI.E.VIJIN KARTHIK
SRI.BIJU JOSEPH

RESPONDENT (S) /RESPONDENTS:

1. THE BRANCH MANAGER
IRINJALAKUDA TOWN CO-OPERATIVE BANK LTD, NO 55
VELLANGALLUR BRANCH, PUTHENCHIRA P O
THRISSUR DISTRICT-680682

2. THE GENERAL MANAGER/AUTHORISED OFFICER
IRINJALAKUDA TOWN CO-OPERATIVE BANK LTD, NO 55
HEAD OFFICE, TANA SOUTH, IRINJALAKUDA PIN-680121

BY SRI.DEVAPRASANTH.P.J.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 3675 of 2015 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE RESPONDENTS DTD
25/4/2014

P2:-TRUE COPY OF THE REPRESENTATION GIVEN TO THE BRANCH MANAGER DTD
26/5/2014

P3:-TRUE COPY OF THE JUDGMENT IN WPC NO 15287/2013 DTD 8/10/2014

P4:-TRUE COPY OF THE SALE NOTICE ISSUED BY THE BANK PROPOSING TO
CONDUCT THE SALE OF THE PROPERTY OF THE PETITIONER ON 14/2/2015

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.3675 of 2015

.....
Dated this the 5th day of February, 2015

JUDGMENT

The petitioner has approached this Court challenging Ext.P4 sale notice issued by the respondent bank under the provisions of the SARFAESI Act. When the matter came up for admission, it was noticed that the petitioner had already approached this Court, on an earlier occasion, for a similar relief and the said writ petition was withdrawn by the petitioner seeking liberty to pursue other appropriate remedies in accordance with law. The permission sought for by the petitioner was granted and the writ petition was dismissed as withdrawn. Ext.P3 is the judgment of this Court dated 08.10.2014 in W.P.(C).No.15287 of 2014. The present writ petition is for substantially the same reliefs, and the petitioner cites the issuance of Ext.P4 notice as the reason for approaching this Court through the present writ petition. Going by the conduct of the petitioner, who approached this Court on an earlier occasion, and then chose to withdraw the said writ petition for pursuing an alternate remedy, I am of the view that the present writ petition cannot be maintained at the instance of the petitioner.

Resultantly, the writ petition is dismissed as not maintainable.

A.K.JAYASANKARAN NAMBIAR
JUDGE

