

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4363 of 2015 (U)

PETITIONER(S):

**ABDUL AZEEZ SHEREERKUTTY, AGED 34 YEARS,
KRISHNANKUTTY, CHANDRIA HOUSE, T.C.NO. 17/732
CNRA A-8, POOJAPPURA P.O., TRIVANDRUM - 695 012.**

BY ADV. SRI.SABU S.KALLARAMOOLA

RESPONDENT(S):

**BANK OF BARODA
FORT BRANCH, PADMAVIASOM ROAD, FORT P.O.
TRIVANDRUM - 695 023,
REPRESENTED BY ITS AUTHORISED OFFICER.**

BY SRI.DEVAN RAMACHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 4363 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF POSSESSION NOTICE DATED 27/11/2014 OF THE
RESPONDENT.**
- EXT.P2: TRUE COPY OF JUDGMENT IN WPC.NO. 6802/2014.**
- EXT.P3: TRUE COPY OF NOTICE DATED 06/01/2015 OF THE PETITIONER SENT
THROUGH LAWYER.**
- EXT.P4: TRUE COPY OF REPLY NOTICE DATED 14/01/2015 OF THE
RESPONDENT BANK.**
- EXT.P5: TRUE COPY OF NOTICE DATED 21/01/2015 OF THE ADVOCATE
COMMISSIONER.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.4363 of 2015
.....

Dated this the 11th day of February, 2015

JUDGMENT

The petitioner has approached this Court challenging the recovery action that was initiated against him at the instance of the respondent bank. In the present writ petition, he impugns Ext.P5 notice that was issued to him by an Advocate Commissioner who was appointed to take over possession of the secured asset for non-payment of dues by the petitioner. When the matter came up for admission, it was noticed that the petitioner had approached this Court on two occasions earlier, for substantially the same relief, and while W.P.(C).No.6802 of 2014 was dismissed for non prosecution, the earlier writ petition is stated to have been withdrawn by the petitioner. Whatever may have been the reasons for the conduct of the petitioner, I am of the view that in so far as the petitioner had earlier approached this Court seeking substantially the same relief against the action taken by the respondent bank, the present writ petition seeking similar reliefs in respect of the same cause of action, cannot be maintained at the instance of the petitioner.

Resultantly, this writ petition fails and is accordingly dismissed as not maintainable.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns/

