

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 6834 of 2015 (D)

PETITIONER :

**LINTO SCARIA,
S/O.SCARIA, STAFF NURSE, JEEVAN ANMOL HOSPITAL,
MAYUR VIHAR PHASE -1, NEW DELHI - 91 AT GRACE HOME,
KILIYAMBRAYIL HOUSE, KALIYAR, VANNAPPURAM VILLAGE,
THODUPUZHA, IDUKKI DISTRICT.**

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENT(S):

- 1. THE RECOVERY OFFICER,
OFFICE OF THE RECOVERY OFFICER,
DEBTS RECOVERY TRIBUAL, 8TH FLOOR, KSHB BUILDING,
PANAMPILLY NAGAR, COCHIN -682 036.**
- 2. THE STATE BANK OF INDIA,
THODUPUZHA BRANCH REPRESENTED BY ITS CHIEF MANAGER,
THODUPUZHA, PIN: 685 584.**
- 3. SHRI.WILLIAM THOMAS, MANAGING PARTNER,
M/S.ST.MARY'S COCOA PROCESSING UNIT,
RESIDING AT NAMBIAPARAMBIL, KALIYAR P.O.,
THODUPUZHA - 685 582.**
- 4. THE VILLAGE OFFICER,
VANNAPPURAM VILLAGE, VANNAPPURAM, PIN: 685 582.**

**R1 & R4 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA
R2 BY SRI.R.S.KALKURA, SC, SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 6834 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF SALE DEED NO.1819/2013 EXECUTED IN FAVOUR OF ANU WILSON, W/O.PETITIONER AT SRO KARIKODE**
- P2: TRUE COPY OF POSSESSION AND NON ATTACHMENT DATED 6/6/2013 ISSUED BY THE 4TH RESPONDENT**
- P3: TRUE COPY OF TAX RECEIPT NO.11992 DATED 22/4/2014 ISSUED BY THE 4TH RESPONDENT**
- P4: TRUE COPY OF THE NOTICE DRC NO.3772/SBI/IDK DATED 10/12/2014 ISSUED BY THE 1ST RESPONDENT**
- P5: TRUE COPY OF AFFIDAVIT DATED 23/1/2015 FILED BY THE 3RD RESPONDENT BEFORE THE 1ST RESPONDENT**
- P6: TRUE COPY OF THE CERTIFICATE DATED 20/01/2015 ISSUED BY THE 4TH RESPONDENT**
- P7: TRUE COPY OF THE PROCLAMATION OF SALE DATED 4/2/2015 ISSUED BY THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.6834 of 2015 (D)

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Dated this the 20th day of March, 2015

JUDGMENT

The grievance of the petitioner in the writ petition is that, the 1st respondent recovery officer is proceeding against the property of the petitioner, pursuant to the directions of the Debt Recovery Tribunal, in an O.A filed by the 2nd respondent Bank against 3rd respondent and others.

2. The petitioner relies on Ext.P7 proclamation of sale, that was published by the 1st respondent, wherein two items of land are enumerated in the description of the property that is proposed to be sold. The petitioner has not, however, been able to demonstrate that her property is included within the land described as item No.2 in Ext.P7 sale proclamation.

3. Under the said circumstances, I do not see any scope for passing an order in respect of the petitioner's property in the present writ petition. Resultantly, I dispose the writ petition, leaving it open to the petitioner to approach the 1st respondent recovery officer with an appropriate objection, if as a matter of fact, the item shown in the proclamation of sale includes land belonging to the petitioner, which is not the subject matter of the mortgage.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE