

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937**

**WP(C).No. 10715 of 2010 (L)**  
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**PETITIONER(S):**  
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**JEEVAN JITH JOSE, S/O.JOSE,  
AGED 32, 66/608, MANDEKARA ROAD,  
AYYAPPANKKAVU.**

**BY ADVS.SRI.S.SREEKUMAR  
SRI.P.MARTIN JOSE**

**RESPONDENT(S):**  
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- 1. AUTHORISED OFFICER,  
CHIEF MANAGER (ADVANCES) STAE BANK OF TRAVANCORE,  
REGION ZONAL OFFICE, KOCHI-16.**
- 2. CHIEF MANAGER, STATE BANK OF TRAVANCORE,  
CHARUMMOODU BRANCH, ALAPPUZHA DISTRICT.**
- 3. MOHAMMED HANEEFA, S/O.ABDUL KHADER KUNJU,  
AGED 44, SHEKKA JEWELLERS, CHARUMMOODU.**
- 4. ASST. GENERAL MANAGER,  
BANK OF BARODA, REGIONAL OFFICE, VASUDEVA BUILDING,  
T.D.ROAD, COCHIN-11.**
- 5. ABDUL HAMEED, PROPRIETOR,  
INTERNATIONAL ROAD WAYS, O.B. KHONA BUILDING,  
SUBRAMANYAN ROAD, WILLING ISLAND, KOCHI-3.**

**R1 & R2 BY ADVS. SRI.SATHISH NINAN  
SRI.SANTHOSH MATHEW**

**R4 BY ADVS. SRI.DEVAN RAMACHANDRAN  
SRI.SUMESH KUMAR N.C.  
SRI.K.M.ANEESH  
SRI.K.SANTHOSH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT. P1: TRUE COPY OF NOTICE DTD.8.3.2007 ISSUED BY 1ST RESPONDENT.

EXT. P2: TRUE COPY OF NOTICE DTD.14.6.2007 ISSUED BY 1ST RESPONDENT.

EXT. P3: TRUE COPY OF JUDGMENT DTD.7.4.2008 IN WP(C) 28149 OF 2007.

EXT. P4: TRUE COPY OF SALE CERTIFICATE DTD.13.12.2008.

EXT. P5: TRUE COPY OF ACKNOWLEDGMENT DTD.13.12.2008.

EXT. P6: TRUE COPY OF LETTER DTD.11.11.2009 ISSUED BY PETITIONER.

EXT. P7: TRUE COPY OF REPLY LETTER DTD.18.11.2009 ISSUED BY  
1ST RESPONDENT.

EXT. P8: TRUE COPY OF LETTER DTD.19.11.2009 ISSUED BY 2ND RESPONDENT.

EXT. P9: TRUE COPY OF LETTER 22.1.2010 ISSUED BY PETITIONER.

RESPONDENT(S)' EXHIBITS:

ANNEXURE R1(a): PHOTO COPY OF THE LETTER DTD.13.9.2008 DULY  
ACKNOWLEDGED BY SRI.SAJAS MUHAMMED.

ANNEXURE R1(b): PHOTO COPY OF THE PAY IN SLIP.

ANNEXURE R1(c): PHOTO COPY OF THE SALE CERTIFICATE WITH THE  
ACKNOWLEDGEMENT GIVEN BY THE PETITIONER.

ANNEXURE R1(d): PHOTO COPY OF THE LETTER DTD.13.12.2008.

ANNEXURE R1(e): PHOTO COPY OF THE LETTER DTD. 16.1.2009.

ANNEXURE R1(f): PHOTO COPY OF THE LETTER DTD. 20.1.2009.

ANNEXURE R1(g): PHOTO COPY OF THE LETTER DTD. 19.11.2009.

//TRUE COPY//

P.S.TO JUDGE

Msv/

**A. MUHAMED MUSTAQUE, J.**

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**W.P(C). No. 10715 of 2010**  
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**Dated this the 26<sup>th</sup> day of June, 2015**

**J U D G M E N T**

The petitioner is the auction purchaser of the respondent Bank. Petitioner highlights two issues before this Court. One of the issue is, he was not given possession pursuant to the purchase in public auction. Secondly, the Bank is failed to execute necessary sale deed in favour of the petitioner.

2. The learned counsel for the Bank submits that they have already put petitioner in possession, Ext.R1(f) is the acknowledgment. It is further submitted that they are always prepared to execute necessary sale deed in favour of the petitioner at any time. In that view of the matter the following directions are issued;

(i) With regard to the possession, if the petitioner has any impediment, the petitioner is free to take up the issue in appropriate manner before appropriate forum.

(ii) The petitioner or his duly authorised agent shall appear before the Bank along with all necessary details for the purpose of

executing a sale deed within two weeks.

(iii) Thereafter the Bank shall cause that sale deed be conveyed within further period of two weeks.

The writ petition is disposed of.

Sd/-

**A. MUHAMED MUSTAQUE, JUDGE.**

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