

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No.7007 of 2015 (A)

PETITIONERS:

1. **ABDUL HAMEED,AGED 38 YEARS,
S/O.MUHAMMED,SATHYADKKA HOUSE,
P.O.BADAJE,HOSEBETTU VILLAGE,
MANJESHWARAM TALUK,KASARGOD DISTRICT.**
2. **AYSHA.M,AGED 30 YEARS,W/O.ABDUL HAMEED,
SATHYADKKA HOUSE, P.O.BADAJE,
HOSEBETTU VILLAGE,MANJESHWARAM TALUK,
KASARGOD DISTRICT.**

BY ADV. SMT.R.PADMAKUMARI

RESPONDENTS:

1. **NORTH MALABAR GRAMAIN BANK,
REPRESENTED BY ITS CHAIRMAN,
HEAD OFFICE,NMGB TOWERS,
PALLIKKUNNU,KANNUR-670004.**
2. **BRANCH MANAGER,NORTH MALABAR GRAMIN BANK,
HOSENGADY,KASARAGOD-671001.**
3. **THAHASILDAR,REVENUE RECOVERY,KASARAGOD-671001.**
4. **AUTHORIZED OFFICER,NORTH MALABAR GRAMIN BANK,
PIN-670001.**

**R1,R2 AND R4 BY SRI.DEVAN RAMACHANDRAN,S.C,
R3 BY GOVT. PLEADER SRI.SUDHEESH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.7007 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:THE TRUE COPY OF THE NOTICE DATED 5.8.2014 ISSUED BY THE 2ND
RESPONDENT.

EXT.P2:THE TRUE COPY OF THE JUDGMENT IN W.P(C) 25403/2014
DATED 21.10.2014 ON THE FILES OF THIS HONOURABLE HIGH COURT
OF KERALA.

EXT.P3:THE TRUE COPY OF THE NOTICE DATED 18.12.2014 ISSUED BY THE 4TH
RESPONDENT.

EXT.P4:THE TRUE COPY OF THE NOTICE DATED 20.12.2014 ISSUED BY THE 4TH
RESPONDENT.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.7007 of 2015

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

JUDGMENT

The petitioners who had availed of a loan from the respondent bank are aggrieved by the steps taken by the respondent bank under the SARFAESI Act for recovery of the loan amounts. When the matter came up for admission, it was noticed that the petitioner had already approached this Court earlier, through W.P.(C).No.25403 of 2014, and by Ext.P2 judgment, the petitioners were granted the facility of payment of the dues to the bank in instalments. It is not in dispute that the petitioners did not comply with the direction in Ext.P2 judgment. Under the said circumstances, I am of the view that the present writ petition, which seeks substantially the same relief as sought for in the earlier writ petition filed by the petitioner, cannot be maintained at the instance of the petitioner. I am of the view that, the petitioners are not entitled to the discretionary relief of this Court in these proceedings under Article 226 of the Constitution of India.

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

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns/

