

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 7811 of 2015 (B)

PETITIONER:

**HEMA T.S. ,
D/O.SIVARAMAN,
THONNAYANKAVU PARAMBIL HOUSE,
AYYAPPANKAVU ROAD,
AKRA 30,
KANIMANGALAM VILLAGE,
THRISSUR - 680027.**

**BY ADVS.SRI.MATHEWS K.UTHUPPACHAN
SRI.TERRY V.JAMES**

RESPONDENT(S):

- 1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES KERALA
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TRICHUR URBAN CO-OPERATIVE BANK LTD.NO.87,
PB NO.86,
MISSION QUARTERS,
THRISSUR – 680001
REPESENTED BY ITS GENERAL MANAGER.**
- 3. THE AUTHORIZED OFFICER,
THE TRICHUR URBAN CO-OPERATIVE BANK LTD.NO.87,
PB NO.86,
MISSION QUARTERS,
THRISSUR -680001.**

**R1 BY GOVERNMENT PLEADER SRI.SHYSON.P.MANGUZHA
R2 AND R3 BY SRI.C.D.DILEEP,SC,TRICHUR URBN CO-OPERATIVE BANK**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1:** TRUE COPY OF THE ORDER DATED 1.4.2013 PASSED BY THE HON'BLE DEBTS RECOVERY TRIBUNAL, ERNAKULAM IN IA NO.1103/2013 IN SA NO.290/2013.
- EXT.P-2:** TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE 2ND RESPONDENT BANK.
- EXT.P-3:** TRUE COPY OF THE JUDGEMENT DATED 19.6.2013 PASSED BY THIS HON'BLE COURT IN WPC NO.15572/2013 (V).
- EXT.P-4:** TRUE COPY OF THE NOTICE FOR SALE DATED 21.1.2015 ISSUED BY THE 3RD RESPONDENT.
- EXT.P-5:** TRUE COPY OF THE CHALAN EVIDENCING REMITTANCE OF RS.2,50,000/-
- EXT.P-6:** TRUE COPY OF THE PETITION DATED 7.3.2015 SUBMITTED BEFORE THE HON'BLE CHIEF MINISTER OF KERALA.
- EXT.P-7:** TRUE COPY OF THE COMMUNICATION DATED 7.3.2015 ISSUED FROM THE OFFICE OF THE CHIEF MINISTER OF KERALA TO THE 1ST RESPONDENT FORWARDING EXT.P6

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.7811 of 2015 (B)

.....
Dated this the 12th day of March, 2015

JUDGMENT

The petitioner, who has approached this Court challenging revenue recovery steps initiated by the respondents for recovery of the loan amounts in terms of Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, is a person who had already approached this Court seeking similar reliefs, on an earlier occasion, when this Court, by Ext.P3 judgment, had granted an installment facility to the petitioner to clear the defaulted amounts. It is not in dispute that the petitioner did not comply with the directions issued in the said judgment.

2. Under the said circumstances, I am of the view that the petitioner is not entitled to the discretionary relief envisaged in proceedings under Article 226 of the Constitution of India. I am of the view that, the present writ petition cannot be maintained at the instance of the petitioner, resultantly, this writ petition fails and it is dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/13/03/