

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.7819 of 2015 (B)

PETITIONERS:

1. LIJIMOL.K.D,D/O.K.V.DASAN,AGED 35 YEARS,
KOCHUPAZHAMPALLIL HOUSE,
HOUSE NO.20/2737,PERUMPADAPPU,KOCHI - 6.
2. CHANDRIKA,W/O.K.V.DASAN,AGED 56 YEARS,
KOCHUPAZHAMPALLIL HOUSE,
HOUSE NO.20/2737,PERUMPADAPPU,KOCHI - 6.

BY ADV.SRI.SHERRY J. THOMAS

RESPONDENTS:

1. THE MATTANCHERY MAHAJANIK CO-OPERATIVE URBAN BANK LTD.
NO.665,PALLIYARAKKAVU ROAD,KOCHI - 682 002,
REPRESENTED BY ITS GENERAL MANAGER,
MATTANCHERY,KOCHI - 2.
2. THE AUTHORIZED OFFICER (UNDER SARFEAESI ACT),
THE MATTANCHERRY MAHAJENIK CO-OPERATIVE
URBAN BANK LTD.
3. THE DISTRICT COLLECTOR,ERNAKULAM DISTRICT,
CIVIL STATION,KAKKANADU,KOCHI.
4. DEPARTMENT OF CO-OPERATION,
OFFICE OF THE REGISTRAR OF
CO-OPERATIVE SOCIETIES,
STATUE,THIRUVANANTHAPURAM-1,
REPRESENTED BY ITS REGISTRAR.

R3 & R4 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA

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

pk

WP(C).No.7819 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P-1:THE TRUE COPY OF THE JUDGEMENT IN WPC 14050/2014 DATED 25.6.14
OF THIS HONOURABLE COURT.**

**EXT.P-2:THE TRUE COPY OF THE RELEVANT ENTRIES IN THE PASS BOOK OF
THE IST PETITIONER.**

**EXT.P-3:TRUE COPY OF THE NOTICE DATED 10.12.2014 ISSUED BY THE
ADVOCATE COMMISSIONER.**

**EXT.P-4:TRUE COPY OF THE CIRCULAR DATED 22.1.2015 ISSUED BY THE 4TH
RESPONDENT.**

**EXT.P-5:THE TRUE COPY OF THE REQUEST SUBMITTED BY THE IST
PETITIONER.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.7819 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 relief on an earlier occasion, when this Court by Ext.P1 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/