

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 9290 of 2015 (I)

PETITIONER :

**V.SURESH KUMAR,
S/O.VELU PILLAI, AGED 50 YEARS,
T.C- 41/362, PNRA-5, SIVAGANGA, KURIYATHI,
MANACAUD.P.O., THIRUVANANTHAPURAM-695 002**

**BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR**

RESPONDENT(S):

- 1. TAMILNAD MERCANTILE BANK LTD.,
REPRESENTED BY ITS AUTHORISED OFFICER,
THIRUVANANTHAPURAM REGION, T.C- 39/1276,
FIRST FLOOR, SP BHAGYA TOWERS, ATTAKULANGARA,
KILLIPALAM BYE PASS ROAD, THIRUVANANTHAPURAM-695 036**
- 2. THE AUTHORISED OFFICER, THIRUVANANTHAPURAM REGION,
TAMILNAD MERCANTILE BANK LTD, T.C-39/1276, FIRST FLOOR,
SP BHAGYA TOWERS, ATTAKULANGARA, KILLIPALAM BYE PASS ROAD,
THIRUVANANTHAPURAM-695 036**
- 3. THE MANAGER, TAMILNAD MERCANTILE BANK LTD.,
THIRUVANANTHAPURAM BRANCH, T.C- 39/1276, FIRST FLOOR,
SP BHAGYA TOWERS, ATTAKULANGARA,
KILLIPALAM BYE PASS ROAD, THIRUVANANTHAPURAM-695 036.**

R1 TO R3 BY ADV. SRI.V.V.SURENDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.9290/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE TENDER CUM AUCTION SALE NOTICE DATED 24/09/2014
ISSUED BY THE SECOND RESPONDENT.
- P2 COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C).NO.28132
OF 2014.
- P3 COPY OF THE TENDER CUM AUCTION SALE NOTICE DATED 19/02/2015
ISSUED BY THE SECOND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 9290 of 2015
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Dated this the 24th day of March, 2015

JUDGMENT

The petitioner challenges the steps taken by the respondent bank under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act, for recovery of the defaulted loan amounts. The facts in the writ petition would disclose that when, on an earlier occasion, the petitioner had defaulted in repayment of the loan amounts, and the respondent bank had initiated steps under SARFAESI Act, the petitioner had approached this Court through W.P.(C).No.28132 of 2014, which was disposed by Ext.P2 judgment, granting the petitioner the benefit of repaying the defaulted amounts in installments. It is not in dispute that the petitioner did not comply with the directions in the said judgment. Under the said circumstances, and considering the fact that the petitioner is seeking substantially the same reliefs, as what was sought for by him in the earlier writ petition, I am of the view that the petitioner is not entitled to the discretionary relief of this Court in these proceedings under Article 226 of the Constitution of India.

W.P.(C). No. 9290 of 2015

Accordingly, this writ petition fails, and is dismissed as not maintainable.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das