

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No.10581 of 2015 (W)

PETITIONER:

JM FINANCIAL ASSET RECONSTRUCTION COMPANY PVT. LTD.
7TH FLOOR, CNERGY, APPASAHEB MARATHE MARG
PRABHADEVI, MUMBAI- 400025
REPRESENTED BY MR. SANJAY SIPANI, AGED 37 YEARS
OFFICER AUTHORISED UNDER THE SARFAESI ACT.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENTS:

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1. THE DISTRICT POLICE CHIEF,
OFFICE OF THE DISTRICT POLICE CHIEF
ALAPPUZHA - 688 001.
 2. THE STATION HOUSE OFFICER,
CHERTHALA POLICE STATION, CHERTHALA
ALAPPUZHA - 688 016.
 3. M/S. LEMARS MARKETING PVT. LTD.,
BYE PASS ROAD, KOCHI - 682 028
REPRESENTED BY ITS DIRECTOR, MR. SREEKUMAR MENON
S/O. RAJAN MENON, RESDING AT VNRA - 44, PADAM ROAD
VIVEKANANDA NAGAR, ERNAKULAM - 682 026.
 4. SREEKUMAR R. MENON, AGED 48 YEARS,
S/O. RAJAN MENON, RESDING AT VNRA - 44, PADAM ROAD
VIVEKANANDA NAGAR, ERNAKULAM - 682 026.
 5. LALITHA VENUGOPAL, AGED 57 YEARS,
W/O. VENUGOPAL, CMC NO. 2323/237, VAZHAVELICHIRAYIL
CHERTHALA SOUTH VILLAGE, CHERTHALA TALUK
ALAPPUZHA DISTRICT - 688016.
 6. VENUGOPAL,
CMC NO. 2323/237, VAZHAVELICHIRAYIL
CHERTHALA SOUTH VILLAGE, CHERTHALA TALUK
ALAPPUZHA DISTRICT - 688016.

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10581 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1-TRUE COPY OF THE ASSIGNMENT DEED DATED 07/03/2011
REGISTERED AS DOCUMENT NO. 7247/11 WITH DISTRICT REGISTRAR, CHENNAI
SOUTH.

EXHIBIT-P2-TRUE COPY OF THE ORDER DATED 12/03/2013 IB C.M.P 1114/2013
OF THE CJM, ALAPPUZHA.

EXHIBIT-P3-TRUE COPY OF THE POSSESSION NOTICE DATED 26/07/2013
PUBLISHED BY THE PETITIONER.

EXHIBIT-P4-TRUE COPY OF THE JUDGMENT IN W.P(C) 3780/2014 DATED
14/07/2014.

EXHIBIT-P5-TRUE COPY OF THE JUDGMENT DATED 30/06/2014 OF THE DEBT
RECOVERY TRIBUNAL IN S.A 559/2013.

EXHIBIT-P6-TRUE COPY OF THE COMPLAINT PREFERRED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

ALEXANDER THOMAS, J.

W.P.(C).No.10581 Of 2015

Dated this the 20th day of May, 2015.

J U D G M E N T

The above said Writ Petition has been filed with the following prayers:

- “i. To issue a writ of mandamus or other appropriate writ order or direction to the 2nd respondent to initiate appropriate action pursuant to Exhibit P6.
- ii. To issue an appropriate writ or order directing the 2nd respondent to secure the compliance of Exhibit P2 order.
- iii. To issue such order as this Honourable Court deems fit”.

2. Petitioner's counsel submits that he may be given liberty to approach the Chief Judicial Magistrate Court, Alappuzha which has issued Ext.P-2 proceedings under the SARFAESI (Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest) Act in order to get re-possession of the property.

Accordingly, the Writ Petition is closed without prejudice to the rights of the petitioner to approach the appropriate forum in accordance with law.

ALEXANDER THOMAS,
Judge.

bkn/-