

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11579 of 2015 (V)

PETITIONER:

**M/S.SANDEEPANI SMART VILLAGE, BUILDING NO.V/334, MANJAPRA,
NEAR AKKUNNU TEMPLE, ANGAMALY 683 581.
REP. BY ITS MANAGING PARTNER MR.RAGHUNATH A.T.**

**BY ADVS.SRI.DINESH R.SHENOY
SMT.K.K.JYOTHILAKSHMY
SRI.SANIL JOSE**

RESPONDENTS:

- 1. THE SYNIDICATE BANK, REPRESENTED BY CHAIRMAN & MANAGING DIRECTOR
SYNDICATE BANK, HEAD OFFICE, MANIPAL, KARNATAKA 576 104.**
- 2. THE SENIOR BRANCH MANAGER,
SYNDICATE BANK LTD., JANATHA BUILDING,
CHURCH JUNCTION, ANGAMALY BRANCH,
ERNAKULAM 683 572.**
- 3. THE CHIEF MANAGER & AUTHORISED OFFICER,
SYNDICATE BANK, ASSET RECOVERY MANAGEMENT BRANCH,
VADUTHALA - 682 023.**
- 4. THE SUB INSEPCTOR OF POLICE,
O/O. SUB INSPECTOR OF POLICE,
KALADY POLICE STATION, KALADY 683 572.**

**R4 BY SENIOR GOVERNMENT PLEADER SRI.C.R. SYAMKUMAR
R1 TO R3 BY SRI.R.S. KALKURA, SC, SYNDICATE BANK**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 : TRUE PHOTOCOPY OF LETTER NO.4308/ROE/REC/MPV/534 DATED 21.5.2011
- EXHIBIT P2 : TRUE PHOTOCOPY OF JUDGMENT DATED 4.10.2011 IN WP(C) NO.1886/2011, HIGH COURT OF KERALA
- EXHIBIT P3 : TRUE PHOTOCOPY OF LETTER DATED 10.10.2011 ISSUED BY THE PETITIONER
- EXHIBIT P4 : TRUE PHOTOCOPY OF LETTER DATED 22.10.2011 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P5 : TRUE PHOTOCOPY OF THE FIXED DEPOSIT RECEIPT NO.595694 FOR RS.20 LAKHS
- EXHIBIT P6 : TRUE PHOTOCOPY OF LETTER NO.4313/OTS-SSV/442/2012 DATED 22.11.2012
- EXHIBIT P7 : TRUE PHOTOCOPY OF LETTER DATED 24.11.2012 ISSUED BY 2ND RESPONDENT BANK
- EXHIBIT P8 : TRUE PHOTOCOPY OF ONE TIME SETTLEMENT LETTER DATED 13.2.2014
- EXHIBIT P9 : TRUE PHOTOCOPY OF LETTER DATED 16.7.2014 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT OFFERING ONE TIME SETTLEMENT.
- EXHIBIT P10 : TRUE PHOTOCOPY OF JUDGMENT DATED 25.09.2014 IN WP(C) NO.19255/2014
- EXHIBIT P11 : TRUE PHOTOCOPY OF ORDER DATED 3.9.2014 IN SA NO.306/2014, DEBTS RECOVERY TRIBUNAL, ERNAKULAM
- EXHIBIT P12 : TRUE PHOTOCOPY OF LETTER DATED 2.3.2015 ISSUED BY THE SUPERINTENDENT OF POLICE, CBI ANTI CORRUPTION BRANCH, COCHIN.
- EXHIBIT P13 : TRUE PHOTOCOPY OF THE NOTICE ISSUED FOR THE VEDA SAMSKRITHI MAGA YAGAM.
- EXHIBIT P14 : TRUE PHOTOCOPY OF THE NOTICE ISSUED FOR THE VEDA SAMSKRITHI MAHA YAGAM

/TRUE COPY/

PA TO JUDGE

JJJ

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

W.P.(C) No. 11579 of 2015 (V)

Dated this the 8th day of April, 2015

J U D G M E N T

A.M.Shaffique, J.

The petitioner has approached this court alleging harassment by the Police.

2. It is stated that security interest has been created over the property, which was owned by the petitioner, to the 1st respondent Bank, which was later sold in auction. Though, symbolic possession has been taken, actual possession has not been taken from the petitioner. The petitioner intends to conduct a 'yaga' in the said property and the Police suddenly interfered and prevented the conduct of any such program. This, according to the

petitioner, amounts to harassment by the Police since the police has no reason to interfere with the possession exercised by the petitioner in the property. If at all, any action can be taken, it can only be done in accordance with the statutory provisions or by orders passed by the Debt Recovery Tribunal or the Chief Judicial Magistrate, as the case may be.

3. The learned Government Pleader, on instructions, would submit that complaint had been filed by the respondent Bank alleging that the petitioner is intending to demolish the building and also make some constructions in the said property, which is already under mortgage and sold by the respondent Bank. Under such circumstance, the Police had made enquiry into the matter and had requested the petitioner not to take any such action. Other than that the Police had not interfered in the matter.

4. Having regard to the aforesaid submissions we do not think that there is any harassment by the Police. In the above view of the matter, we do not intend to pass any order and this Writ Petition is closed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj