

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 13684 of 2015 (I)

PETITIONER:

**UNNIKRISHNAN AGED 35 YEARS,
S/O. VELAYUDHAN, THIRUVALAYANNUR HOUSE,
KALOOR, VADAKKEKAD, CHAVAKKAD TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S):

- 1. HOUSING DEVELOPMENT FINANCE CORPORATION LTD.,
HDFC HOUSE, P.O.NO.1667, RAVIPURAM JUNCTION,
M.G.ROAD, KOCHI-682 015, REPRESENTED BY ITS
AUTHORISED OFFICER AND SENIOR MANAGER,
SHRI.BABY JOSEPH, AGED 54 YEARS, S/O. JOSEPH,
LISSY HOUSE, PANORAMA ENCLAVE, KADAVANTHARA.**
- 2. NATARAJ VEERAMANI, S/O. R.VEERAMANI,
FLAT NO.G3, GROUND FLOOR,
VEERAMANI DELUXE APPARTMENT, GURUVAYUR,
CHAVAKKAD TALUK, THRISSUR - 680 506.**

**R1 BY SRI.K.K.CHANDRAN PILLAI (SENIOR ADVOCATE)
ADVS.SMT.K.V.SHENU
SMT.S.AMBILY
SRI.ARUN ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 13684 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE RENT DEED EXECUTED BY THE PETITIONER IN FAVOUR OF THE 2ND RESPONDENT.**
- P2 : TRUE COPY OF THE TAX RECEIPT PAID BY THE PETITIONER TO THE GURUVAYUR MUNICIPALITY FOR THE YEAR 2013 TO 2015.**
- P3 : TRUE COPY OF THE ORDER PASSED BY THE LEARNED CHIEF JUDICIAL MAGISTRATE, THRISSUR.**
- P4 : TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER TO THE PETITIONER DTD.10.2.2015.**

RESPONDENTS' EXHIBITS:

- EXT. R1(A) : TRUE COPY OF REPORT FILED BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR DATED 12.2.2015.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 13684 of 2015

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner is a borrower under the mortgage, has approached this Court impugning SARFAESI proceedings initiated by the Bank. This Court on 08.05.2015 passed the following interim order.

“Admit. Urgent notice to respondents. There shall be an interim order as prayed for, for a period of two months if the petitioner has not been already evicted.”

2. The 1st respondent has filed a statement. Exhibit R1(a) produced along with the statement shows that, the eviction was completed on 10.02.2015. It is also stated that, it was in the presence of the petitioner.

3. In that view of the matter, this Court do not find any merit in this writ petition as the petitioner's remedy is only to challenge the eviction.

4. It is submitted by the learned counsel for the petitioner that he has already relocated. In view of the fact that the eviction was completed as per the report of the Advocate Commissioner, nothing survives in this writ petition.

Accordingly, this writ petition is dismissed.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

/true copy/

P. A. to Judge