

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 15900 of 2015 (J)

PETITIONER(S):

1. PLALITHAMBIKA AMMA,
W/O.LATE GOPINATHAN PILLAI, PUTHANPURAYIL VEEDU,
MANGAD.P.O., KARIKKODE, KOLLAM-15.
2. SUNITHA KUMARI. L,
D/O.LALITHAMBIKA, PUTHANPURAYIL VEEDU, MANGAD.P.O.
KARIKKODE, KOLLAM-15.
3. SUNIL G,
S/O.LALITHAMBIKA AMMA, (MENTALLY CHALLENGED PERSON)
REPRESENTED BY NATURAL GUARDIAN HIS MOTHER
LALITHAMBIKA AMMA, PUTHANPURAYIL VEEDU, MANGAD.P.O.
KARIKKODE, KOLLAM-15.

BY ADV. SRI.S.S.RAJESH

RESPONDENT(S):

1. KOLLAM DISTRICT CO-OPERATIVE BANK,
REPRESENTED BY ITS SECRETARY, KILIKOLLOOR BRANCH,
KOLLAM. 691 001.
2. KOLLAM DISTRICT CO-OPERATIVE BANK,
HEAD OFFICE, CHINNAKKADA, KOLLAM-691 001,
REPRESENTED BY THE DEPUTY GENERAL MANAGER. 691 001.
3. THE AUTHORIZED OFFICER,
THE KOLLAM DISTRICT CO-OPERATIVE BANK LTD.
MAIN BRANCH, KOLLAM. 691 001.
4. THE KOLLAM DISTRICT CO-OPERATIVE BANK,
RECOVERY SECTION (SPECIAL CELL), HEAD OFFICE, KOLLAM,
REPRESENTED BY ITS SENIOR/BRANCH MANAGER. PIN-691 001.
5. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE JOINT REGISTRAR (GENERAL),
KOLLAM. 691 001.

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**6. THE DISTRICT COLLECTOR
KOLLAM. 691 001.**

**7. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO FINANCE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

**R1-4 BY SRI.T.R.HARIKUMAR, SC
R5-7 BY GOVERNMENT PLEADER SMT.SHEEBA K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE REPRESENTATION BY THE 1ST PETITIONER DATED 14.3.2013 WRITTEN BY THE 2ND RESPONDENT.
- P2- TRUE COPY OF THE LETTER NO.REC-6/2013-14 DATED 3.5.2013 SENT BY THE 4TH RESPONDENT.
- P3- TRUE COPY OF THE POSSESSION NOTICE DATED 4.7.2014 ISSUED BY THE 3RD RESPONDENT.
- P4- TRUE COPY OF THE RECEIPT ISSUED BY THE BANK ACKNOWLEDGING THE RECEIPT OF PAYMENT OF RS.15,000/- DATED 26/8/2014
- P5- TRUE COPY OF THE PETITION SUBMITTED BEFORE THE HONOURABLE CHIEF MINISTER DATED 28.8.2014.
- P6- TRUE COPY OF THE PETITION DATED 13.9.2014 SUBMITTED BY THE 1ST PETITIONER TO THE 6TH RESPONDENT.
- P7- TRUE COPY OF THE LETTER DATED 21.10.2014 BY THE 1ST PETITIONER TO THE 6TH RESPONDENT.
- P7(A)- TRUE COPY OF THE LETTER DATED 23.10.2014 BY THE 1ST PETITIONER TO THE CHIEF MINISTER.
- P8- TRUE COPY OF THE RECEIPT DATED 24.9.2014 EVIDENCING ACCEPTANCE OF RS.30,000/- BY THE 1ST RESPONDENT.
- P9- TRUE COPY OF THE COMMUNICATION DATED 24.9.2014 FROM THE OFFICE OF THE 5TH RESPONDENT.
- P10- TRUE COPY OF THE COMMUNICATION NO.T 7826/14 DATED 15.10.2014 FROM THE OFFICE OF THE 5TH RESPONDENT TO THE ASSISTANT REGISTRAR OF KOLLAM DISTRICT CO-OPERATIVE BANK.
- P11- TRUE COPY OF THE RECEIPT DATED 24.1.2015 EVIDENCING THE REMITTANCE OF RS.15,000/-.
- P12- TRUE COPY OF THE COMMUNICATION NO.C12488 DATED 18.02.2015 FROM THE 4TH RESPONDENT.
- P13- TRUE COPY OF THE REPLY DATED 22.2.2015 SENT BY THE 2ND PETITIONER TO EXHIBIT P12.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15900 of 2015

Dated this the 5th day of June, 2015

J U D G M E N T

The petitioners have availed a consumption loan from the respondent Bank in the year 2006. Since default was committed in repaying the loan amount, the Bank initiated 'SARFAESI' proceedings against them. Hence, this writ petition.

2. The learned Standing Counsel for the Bank submits that, the petitioners have already approached this Court in W.P.(C). No.21457/2014 impugning 'SARFAESI' proceedings. In that writ petition, this Court permitted the petitioners to discharge the liability in ten equal monthly installments. The petitioners did not comply with the above direction.

3. Nothing has been mentioned by the petitioners regarding the fact that, the subject matter of this writ petition was challenged in an earlier writ petition. I have gone through the judgment of this Court in W.P.(C).No.21457/2014. Further this Court cannot grant any relief to the petitioners, in view of the non compliance with the direction of this Court in the above referred judgment.

Accordingly, this writ petition is dismissed. However, to enable the petitioners to workout an alternative remedy, all coercive proceedings against the petitioners shall be deferred for a period of one month.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.