

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 16741 of 2015 (P)

PETITIONER(S):

**ABDUL MAJEED, AGED 43 YEARS,
S/O.ABDUL KHADER, IX/274 A, VELUTHEDATH HOUSE,
CHELAKKULAM, VENGOLA, ERNAKULAM.**

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF BANKING AFFAIRS,
SECRETARIAT, NEW DELHI.**
- 2. PUNJAB NATIONAL BANK,
KOLENCHERY BRANCH,
REPRESENTED BY ITS BRANCH MANAGER
KOLENCHERY P.O., ERNAKULAM.**
- 3. AUTHORISED OFFICER,
PUNJAB NATIONAL BANK, CIRCLE OFFICE,
RECOVERY DEPARTMENT, MARKET ROAD, ERNAKULAM-682 011.**
- 4. ABDUL MALIK, AGED 41 YEARS,
S/O.SHAMSUDHIN, CHAMMANIYIL HOUSE, KAIPAMANGALAM KARA,
CHALINGAD P.O., KAIPAMANGALAM VILLAGE, KODUNGALLOOR.**

**R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 & R3 BY SRI.SANTHEEP ANKARATH, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 16741 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE PHOTOSTAT COPY SALE DEED.

**EXT.P2 TRUE PHOTOSTAT COPY SALE DEED EXECUTED BY PETITIONER ON
15.11.2011 IN FAVOUR OF 4TH RESPONDENT.**

**EXT.P3 TRUE PHOTOSTAT COPY OF BUILDING TAX RECEIPT DATED 19.11.2014
ISSUED BY THE GRAMA PANCHAYATH.**

**EXT.P4 TRUE PHOTOSTAT COPY OF SALE NOTICE DATED 01.11.2014 PUBLISHED IN
NEWSPAPER.**

**EXT.P5 TRUE PHOTOSTAT COPY OF JUDGMENT IN W.P(C)32212/2014 OF THIS
HON'BLE COURT.**

EXT.P6 TRUE PHOTOSTAT COPY OF RECEIPT (RTGS) ISSUED BY THE BANK.

**EXT.P7 TRUE PHOTOSTAT COPY OF NEWS ITEM APPEARED IN MALAYALA
MANORAMA.**

**EXT.P8 TRUE PHOTOSTAT COPY OF REPRESENTATION DATED 25.05.2015
SUBMITTED BY THE PETITIONER BEFORE 2ND AND 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 16741 of 2015

Dated this the 4th day of June, 2015

J U D G M E N T

The petitioner claims that he is the absolute owner of the immovable property, which is a secured asset to the national bank. The bank disputes the petitioner's *local standi*. The bank's case is that the petitioner has no right over the immovable property. The petitioner has approached this Court in W.P.(C) No.32212 of 2014. This Court permitted the petitioner to liquidate the entire outstanding liability in eight equal instalments. The petitioner submits that he has remitted Rs.1.6 lakhs and seeks further time before this Court to pay the balance amount.

2. The learned counsel for the bank opposes the prayers of the petitioner.

3. I am of the view that since this Court has already considered the request of the petitioner in earlier occasions,

it is not appropriate for this Court to grant any relief in this matter. If the petitioner has any interest in the property and if he is otherwise entitled to redeem the mortgage, it is open for the petitioner to work out appropriate remedy before the appropriate Court. Therefore, to work out the above remedy, all coercive steps against the petitioner shall be kept in abeyance on a condition that petitioner remits Rs.7.5 lakhs within one month.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/