

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 17078 of 2015 (H)

PETITIONER(S) :

**SADASIVAN P.C., AGED 51 YEARS,
S/O.SEKHARAPILLA, KAROTT HOUSE, THOTTUMUGHAM P.O.,
KUTTAMASSERY, ERNAKULAM- 683 105.**

BY ADV. SRI.N.K.MOHANLAL

RESPONDENT(S) :

- 1. DISTRICT COLLECTOR,
ERNAKULAM- 682 030.**
- 2. THAHASILDAR(RR),
ALUVA TALUK OFFICE, ALUVA- 683 101.**
- 3. VILLAGE OFFICER,
KEEZHMADU VILLAGE OFFICE, KEEZHMADU- 683 101.**
- 4. MANAGER, SYNDICATE BANK.
PERUMBAVOOR BRANCH, PERUMBAVOOR, PIN- 683 541.**
- 5. SUNNY K.V.,
KAYIPRA HOUSE, KANJIRAKKAD, RAYONPURAM P.O.,
PERUMBAVOOR- 683 543.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R4 BY ADV. SRI.R.S. KALKURA, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 17078 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE COPY OF THE REPRESENTATION DATED 19/03/2015 SENT
TO THE RESPONDENTS BY PETITIONER.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17078 of 2015

Dated this the 20th day of August, 2015

JUDGMENT

The petitioner is a guarantor to the business loan availed by the 5th respondent. The petitioner's grievance is that without proceeding against the property mortgaged by the 5th respondent, the respondent Bank initiated steps to recover the loan amount from the petitioner's property.

2. It is submitted by the learned standing counsel appearing for the Bank that the Bank is also proceeding against the 5th respondent and his property. According to the Bank, the total amount due from the petitioner is around Rs.3 lakhs. In view of the above, following directions are issued:

- i. The petitioner is directed to furnish all the details of the property of the 5th respondent before the second respondent Tahsildar.
- ii. If such details are furnished, the Tahsildar shall make every endeavour to proceed against the property of the 5th respondent.

- iii. The petitioner shall furnish the details within two weeks.
- iv. In the event, the Tahsildar finds that if the recovery is impossible from the 5th respondent, the Tahsildar is free to proceed against the property of the petitioner.
- v. If the petitioner fails to furnish the details within two weeks, the Tahsildar is free to proceed against the petitioner's property.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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