

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 19041 of 2015 (E)

PETITIONER(S) :

**S.VIJAYAN, PROPRIETOR,
M/S.LEKSHMI ENTERPRISES & AUTOMOBILES- BODY BUILDERS,
INDUSTRIAL PLOT, KOCHUVELI, PLOT NO.85/P,
INDUSTRIAL DEVELOPMENT AREA, TITANIUM P.O,
THIRUVANANTHAPURAM, RESIDING AT RAJAMMA NILAYAM,
VADAKKEKATTIL VEEDU, MADHAVAPURAM, TITANIUM P.O,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER**

RESPONDENT(S) :

- 1. STATE BANK OF TRAVANCORE,
(ASSOCIATES OF THE STATE BANK OF INDIA),
REPRESENTED BY ITS GENERAL MANAGER,
STRESSED ASSETS RESOLUTION CENTRE, IIND FLOOR,
CHANDRASEKHARAN NAIR STADIUM, PALAYAM,
VIKAS BHAVAN P.O, THIRUVANANTHAPURAM, PIN- 695 033.**
- 2. AUTHORIZED OFFICER/ CHIEF MANAGER, STATE BANK OF
TRAVANCORE, REPRESENTED BY ITS GENERAL MANAGER,
STRESSED ASSETS RESOLUTION CENTRE, IIND FLOOR,
CHANDRASEKHARAN NAIR STADIUM, PALAYAM,
VIKAS BHAVAN P.O, THIRUVANANTHAPURAM, PIN- 695 033.**
- 3. M/S HOME & KITCHEN, MENATHOTTAM CHAMBERS,
PATTOM, THIRUVANANTHAPURAM- 695 004,
REPRESENTED BY ITS MANAGING DIRECTOR, MR.BIJU MATHEW.**

**R1 & R2 BY ADV. SRI.JAWAHAR JOSE, STATE BANK OF TRAVANCORE
R3 BY ADVS. SRI.BABY ANTONY
SRI.GEORGE VALLAKKALIL
SRI.MANUEL VIVERA
SRI.V.K.PRATHAPACHANDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT-P1: PHOTOSTAT COPY OF CERTIFICATE OF REGISTRATION ISSUED FROM DIRECTORATE OF INDUSTRIES AND COMMERCE, GOVT. OF KERALA.

EXHIBIT-P2: PHOTOSTAT COPY OF NOTICE UNDER SECTION 13(2) OF SARFEASI ACT DATED 22.12.2012.

EXHIBIT-P3: PHOTOSTAT COPY OF THE SALE NOTICE DATED 27.09.2014.

EXHIBIT-P4: PHOTOSTAT COPY OF JUDGMENT OF THIS HON'BLE COURT IN W.P.(C) NO.29647/2014 DATED 12/11/2014.

EXHIBIT-P5: PHOTOSTAT COPY OF LETTER DATED 22.01.2015 ISSUED BY THE PRIVATE SECRETARY TO THE CHIEF MINISTER.

EXHIBIT-P6: PHOTOSTAT COPY OF THE NOTICE DATED 16.02.2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P7: PHOTOSTAT COPY OF THE AFFIDAVIT DATED 11.05.2015.

EXHIBIT-P8: PHOTOSTAT COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 19041 of 2015

Dated this the 30th day of July, 2015

JUDGMENT

The petitioner, a defaulter to the respondent-Bank has approached this Court challenging the sale pursuant to the SARFAESI proceedings.

2. The learned counsel for the petitioner submits that the petitioner is prepared to settle the entire liability to the Bank and also prepared to pay any amount in addition to the purchase amount made by the 3rd respondent.

3. It appears that the petitioner had earlier approached this Court challenging SARFAESI proceedings and this Court ordered the payment in instalments and the petitioner failed to comply with the directions.

4. The learned counsel for the Bank submits that the sale was taken place on 28.01.2015 for Rs. 39,06,000/- and the excess amount received from the sale being Rs. 18,28,564/- has been given to the petitioner.

5. The learned counsel for the 3rd respondent submits that the petitioner has not prepared for any settlement and the sale has become final and he made a lot of improvements in the secured assets.

6. In view of the facts and circumstances, this Court need not to interfere with the sale proceedings. If the petitioner has any grievance against the sale proceedings, he has sufficient remedy under the Act to challenge before the appropriate Tribunal. Accordingly, the writ petition is dismissed.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr