

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT:
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937
WP(C).NO. 19248 OF 2015 (E)

PETITIONER(S) :

1. M/S.RELIANCE SECURITY AGENCY
PREM BUILDING, KARUNAGAPALLY, KOLLAM DISTRICT
REPRESENTED BY ITS MANAGING PARTNER T.K.SAMBASIVAN.

2. T.K.SAMBASIVAN,
S/O.T.V.KUTTAPPAN, JYOTHY NILAYAM
PRAYAR NORTH, ALEPPY DISTRICT.

3. B.SHYLAJA,
W/O.T.K.SAMBASIVAN, JYOTHY NILAYAM, PRAYAR NORTH
ALEPPY DISTRICT.

BY ADVS.SRI.E.VIJIN KARTHIK
SRI.BIJU JOSEPH
SRI.SREEJITH S.NAIR

RESPONDENT(S) :

1. THE BRANCH MANAGER
VIJAYA BANK, KARUNAGAPALLY BRANCH
KING CITY ARCADE, KARUNAGAPALLY, KOLLAM 690 518.

2. THE VIJAYA BANK,
REPRESENTED BY ITS REGIONAL MANAGER, REGIONAL OFFICE
1ST FLOOR, JOSE ANNEXE, JOSE JUNCTION
M.G.ROAD, ERNAKULAM, PIN: 682 016.

3. THAZHAVA GRMA PANCHAYATH,
S.R.P.M.(P.O), THAZHAVA, KARUNAGAPALLY
KOLLAM REPRESENTED BY ITS SECRETARY, PIN: 690 539.

*ADDL.R4 IMPEADED:

ADDL.R4. THE TAHSILDAR,
MINI CIVIL STATION, KARUNAGAPALLY,
KOLLAM DISTRICT, PIN-690 518.

(ADDL.R4 IS IMPEADED AS PER ORDER DATED 06.08.2015 IN
I.A.11337/2015)

R1,R2 BY ADV. SMT.LATHA KRISHNAN,SC, VIJAYA BANK
R3 BY ADV. SRI.K.SIJU
R3 BY ADV. SMT.S.SEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 19248 OF 2015 (E)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: A COPY OF THE INTERIM ORDER DATED 21/10/2014 IN WPC 26665/2014

P2: A COPY OF JUDGMENT DATED 12/11/2014 IN WPC 26665/2014

P3: A COPY OF THE POSSESSION NOTICES DATED 7/10/2014.

P4: A COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC 11597/2015
DATED 8/4/2015.

P5: A COPY OF THE ORDER DATED 17/4/2015 IN WRIT APPEAL 856/2015.

P6: A COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT TO THE SUB
REGISTRAR, OCHIRA

P7: A COPY OF THE LETTER DATED 15/6/2015 ISSUED BY THE 3RD RESPONDENT

P8: A COPY OF THE NOTICE DATED 20/6/2015 ISSUED BY THE ADVOCATE
COMMISSIONER

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.19248 of 2015
.....
Dated this the 31st day of August, 2015

J U D G M E N T

The petitioner has approached this Court, aggrieved by the action of the respondents in initiating proceedings under the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, for recovery of loan amounts that were availed by the petitioner. As a matter of fact, the petitioner had already approached this Court on earlier occasions and by Ext.P4 judgment rendered on the last occasion, the writ petition filed by the petitioner was dismissed, on the ground that, he had earlier approached this Court for an identical relief and not complied with the directions in the judgment that was passed on that occasion. The present writ petition is yet another attempt of the petitioner to obtain a relief that was already denied to him on earlier occasions. As a matter of fact, although this Court passed an interim order of stay of recovery proceedings on condition that the petitioner pays an amount of Rs.5,00,000/- on or before 25.08.2015, counsel for the petitioner would submit that the said direction has not been complied with by the petitioner. Under the said circumstances, I am of the view that, the petitioner is not entitled to the discretionary relief sought for in this writ petition. Resultantly, this writ petition fails and is accordingly dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

