

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 20499 of 2015 (J)

PETITIONER(S):

**STATE BANK OF INDIA,
MALAPPURAM BRACH, KOTTAPPALLY P.O.,
REPRESENTED BY ITS MANAGER.**

BY ADV. SRI.M.JITHESH MENON

RESPONDENT(S):

- 1. LATHEEF KURUNIYAN,
S/O.MOHAMMED KURUNIYAN, CHIRAKKATHODI HOUSE,
OTHUKKUNGAL P.O., MALAPPURAM PIN - 676 528.**
- 2. THASILDAR (RR),
THIRURANGADI, PIN - 676 306.**
- 3. VILLAGE OFFICER,
OTHUKKUNGAL PIN - 676 528.**
- 4. THE STATE CONSUMER REDRESSAL COMMISSION,
THIRUVANANTHAPURAM, VAZHUTHAKADU P.O., TVM -10.**

R1 BY ADV. SRI.P.K.NIJOY

R2-R4 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 20499 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- TRUE COPY OF THE LETTER ISSUED TO THE VILLAGE OFFICER BY THE
PETITIONER DATED 28.1.2012.**

**P2- TRUE COPY OF THE DELIVERY VOUCHER OF THE COURIER SERVICE WHICH
DELIVERED EXHIBIT.**

**P3- TRUE COPY OF HTE COMPLAINT FILED BY THE 1ST RESPONDENT BEFORE THE
CDRF, MALAPURAM AS C.C.NO.168/12 DATED 11.7.12.**

**P4- TRUE COPY OF THE REVISION FILED BY THE PETITIONER BEFORE THE CDRF,
MALAPPURAM IN C.C.NO.168/12 DATED 3.8.2012.**

**P5- TRUE COPY OF THE ORDER PASSED BY THE CDRF, MALAPPURAM
DATED 19.8.2014.**

P6- A TRUE COPY OF THE APPEAL NO.529/14 (WITHOUT EXHIBITS) DATED 18.10.2014.

P7- TRUE COPY OF THE ORDER IN APPEAL NO.529/14 DATED 23.1.2015

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 20499 of 2015

Dated this the 09th day of September, 2015

JUDGMENT

The petitioner has approached this Court challenging the order of the National Consumer Disputes Redressal Commission.

2. The Hon'ble Supreme Court of India in the matter of ***“Nivedita Sharma V/s. Cellular Operators Association of India & Ors.”*** - Civil Appeal No.10706 of 2011 (SLP(C) No.17213/2010) ordered as follows :

“... the High Court should not have entertained the Writ Petition filed under Article 226 of the Constitution and the Miscellaneous Petitions filed under Article 227 of the Constitution and directed them to avail remedy of Appeal under Section 19 of the Consumer Protection Act, 1986.”

In view of the order of the Hon'ble Supreme Court of India, this Court would not be justified in entertaining the writ petition especially when the petitioner has an appeal remedy before the National Commission. Therefore, with a liberty to

invoke the alternative remedy, the writ petition is disposed of. However, in order to work out alternative remedy, impugned order shall not be enforced for a period of two months from today.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr