

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 20586 of 2015 (W)

PETITIONERS:-:

- 1. JOY SEBASTIAN, AGED 50 YEARS,
S/O. SEBASTIAN, PUTHIATHURUTHU,
NEENDAKARA P.O., KOLLAM - 691 582.**
- 2. JUSTEENA (ALIAS) NJAMANI, AGED 46 YEARS,
W/O. JOY SEBASTIAN, PUTHIATHURUTHU,
NEENDAKARA P.O., KOLLAM - 691 582.**

BY ADV. SRI.N.ASHOK KUMAR.

RESPONDENTS:-:

- 1. THE AUTHORISED OFFICER & CHIEF MANAGER,
STRESSED ASSETS RESOLUTION CENTRE, ARPAN TOWERS,
KADAPPAKKADA, KOLLAM - 691 008,
STATE BANK OF TRAVANCORE, KOLLAM.**
- 2. THE BRANCH MANAGER,
STATE BANK OF TRAVANCORE, SAKTHIKULANGARA BRANCH,
KOLLAM - 691 581.**
- 3. DEPUTY COLLECTOR & COMPETENT AUTHORITY,
NATIONAL HIGHWAY, A.I. SPECIAL,
KOLLAM (L.A.) - 691 001.**
- 4. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**

**R1 & R2 BY SRI.R.S.KALKURA, SC, SBT
R3 & R4 BY GOVT. PLEADER SMT.M.T. SHEEBA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. TRUE COPY OF NOTICE DATED 16.06.2015 ISSUED BY 1ST RESPONDENT.
- EXHIBIT P2. TRUE COPY OF JUDGMENT IN W.P.(C)NO.16335/2013 DATED 28.06.2013.
- EXHIBIT P3. TRUE COPY OF PROCEEDINGS NO.2235/P/12 DATED 27.08.2012 OF SPECIAL DEPUTY COLLECTOR, KOLLAM.
- EXHIBIT P4. TRUE COPY OF JUDGMENT IN W.P.(C)NO.29792/2014 DATED 11.11.2014.
- EXHIBIT P5. TRUE COPY OF RECEIPT DATED 25.11.2014.
- EXHIBIT P5(A). TRUE COPY OF RECEIPT DATED 28.11.2014.
- EXHIBIT P6. TRUE COPY OF REPRESENTATION DATED 29.06.2015 SUBMITTED BY 2ND PETITIONER TO CHIEF MINISTER OF KERALA.
- EXHIBIT P7. TRUE COPY OF LETTER DATED 03.07.2015 ISSUED BY PRIVATE SECRETARY TO CHIEF MINISTER OF KERALA.
- EXHIBIT P8. TRUE COPY OF MEDICAL CERTIFICATE DATED 13.07.2010 ISSUED BY MEDICAL BOARD.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20586 of 2015

Dated this the 28th day of July, 2015

JUDGMENT

The petitioners, impugning SARFAESI proceedings, have approached this Court. It is to be noted that the petitioners have approached this Court in an earlier occasion by filing W.P.(C) Nos.16335/2013 and 29792/2014 and the petitioners have been granted with facility to discharge the liability. The petitioners appear to have not discharged the liability under the loan account as ordered by this Court. Accordingly, the Bank now proceeded for sale of the property.

2. The petitioners submit that the Bank shall not proceed for sale and he may be given an opportunity to discharge the liability from the amount to be received from the State towards compensation in a land acquisition proceedings for the purpose of settling the liability with the Bank.

3. Learned Government Pleader, on instructions, submits that presently, there is no proceedings in respect of the property for acquisition.

In that view of the matter, I do not find any reason to grant relief in this writ petition. Accordingly, this writ petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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