

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 21111 of 2015 (L)

PETITIONER(S):

**JOSEPH, AGED 56 YEARS,
S/O. DEVASSIA, RESIDING AT OTTALANKAL HOUSE,
SANTHI NAGAR, MANIKKADAVU P.O., KANNUR DISTRICT.**

**BY ADVS.SRI.AJEESH S.BRITE
SRI.E.A.BIJUMON**

RESPONDENT(S):

- 1. THE FEDERAL BANK LIMITED,
ULIKKAL BRANCH, ULIKKAL P.O., KANNUR DISTRICT,
PIN 670 705, REPRESENTED BY THE BRANCH MANAGER.**
- 2. THE AUTHORISED OFFICER,
THE FEDERAL BANK LIMITED, ZONAL OFFICE, FEDERAL TOWERS,
MAVOOR ROAD, KOZHIKODE, PIN-673 016.**

**BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 21111 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE LEGAL NOTICE DATED 19-05-2011 ISSUED ON
BEHALF OF THE 1ST RESPONDENT.**

EXHIBIT P2- TRUE COPY OF THE NOTICE U/S. 13(2) OF THE ACT DATED 03-05-2013.

**EXHIBIT P3- TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT BANK
U/S. 13(4) OF THE SARFAESI ACT DATED 27-09-2013.**

**EXHIBIT P4- TRUE COPY OF THE REPRESENTATION SEND BY THE PETITIONER TO
THE 1ST RESPONDENT BANK DATED 08-12-2013.**

**EXHIBIT P5- TRUE COPY OF THE RECEIPT OF PAYMENT DATED 29-6-2015 BY THE
PETITIONER BEFORE THE RESPONDENT BANK.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv?

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 21111 of 2015

Dated this the 24th day of July, 2015

J U D G M E N T

The petitioner has approached this Court impugning SARFAESI proceedings initiated by the respondent Bank. Petitioner's case is that, the secured asset is an agricultural property and no proceedings would lie under SARFAESI Act.

2. It is to be noted that petitioner has approached the DRT by filing Securitization Application as S.A.No.31/2014.

3. Learned counsel for the Bank submits that the matter is pending and the matter is posed on 29.07.2015.

4. In the said circumstances, it is not proper for this Court to interfere with the matter as the petitioner having availed alternative remedy. Coercive steps shall be deferred till 29.07.2015.

This writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE, JUDGE.