

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 22588 of 2015 (W)

PETITIONER(S):

**SUDEVAN.R,
S/O.RAGHAVAN, SUDHA NIVAS, FCI COLONY,
THAZHE MURALI, INDUSTRIAL ESTATE P.O.,
PALAKKAD -678 002.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. UNION BANK OF INDIA,
REGIONAL OFFICE, KOZHIKODE, FIRST FLOOR,
KSHB COMPLEX, VIKAS NAGAR, EAST HILL ROAD,
KOZHIKODE - 673 006. REPRESENTED BY ITS AUTHORISED OFFICER,
(APPOINTED UNDER THE SECURITISATION AND RECONSTRUCTION OF
FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY
INTEREST ACT, 2002).**
- 2. THE AUTHORISED OFFICER,
(APPOINTED UNDER THE SECURITISATION AND
RECONSTRUCTION OF FINANCIAL
ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT,
2002), UNION BANK OF INDIA, REGIONAL OFFICE,
KOZHIKODE FIRST FLOOR, KSHB COMPLEX, VIKAS NAGAR,
EAST HILL ROAD, KOZHIKODE - 673 006.**
- 3. THE DEPUTY TAHSILDAR (R.R),
PALAKKAD - 678 001.**
- 4. THE VILLAGE OFFICER,
PALAKKAD I VILLAGE, PALAKKAD - 678 001.**

**R1 & 2 BY SRI.A.S.P.KURUP, SC
R3 & 4 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 13(2) OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 DATED 8.1.2015**
- EXT.P-2: TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.N.RAMAKRISHNAN DATED 22.7.2015**
- EXT.P-3: TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.K.PALAVI DATED 23.9.2012**
- EXT.P-4: TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 4.6.2015 ISSUED UNDER THE PROVISIONS OF THE REVENUE RECOVERY ACT.**
- EXT.P-5: TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER, APPOINTED BY THE CHIEF JUDICIAL MAGISTRATE, PALAKKAD UNDER SECTION 14 OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C No.22588 of 2015

Dated this the 27th day of July, 2015

JUDGMENT

The petitioner availed a housing loan from the respondent Bank. The petitioner challenges SARFAESI proceedings.

2. The petitioner submits that he is prepared to clear the overdue amount and the Bank may be directed to regularize the account.

3. Learned standing counsel for the Bank submits that the overdue amount is Rs.1,40,000/- and the total liability is Rs.7,82,000/-.

In that view of the matter, this writ petition is disposed of with the following directions:

- i. The petitioner shall deposit Rs.50,000/- within one month from today.
- ii. If the petitioner deposits the above amount, he shall be permitted to clear the balance overdue amount along with regular EMI from the succeeding month onwards in six equal monthly instalments.
- iii. If the petitioner clears the above amount, the Bank shall regularize the account.
- iv. In view of the above, coercive steps initiated against the petitioner shall be deferred in tune with the above directions.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE