

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25258 of 2015 (F)

PETITIONER :

**K.SREE KUMAR
AGED 64, S/O.KUTTAN PANICKER,
USHUS, KIZHAKKUMBHAGOM
KAZHAKUTTOM, THIRUVANANTHAPURAM.**

BY ADV. SRI.E.M.MURUGAN

RESPONDENT(S) :

- 1. PUNJAB NATIONAL BANK
PALLIKULANGARA BRANCH, THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS BRANCH MANAGER.**
- 2. AUTHORISED OFFICER
PUNJAB NATIONAL BANK, REGIONAL OFFICE
THIRUVANANTHAPURAM - 695 001.**

R1 & R2 BY ADV. SRI.SANTHEEP ANKARATH, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 25258 of 2015 (F)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. PHOTOCOPY OF THE NOTICE DATED 29.11.03 UNDER SECTION 13(4).

**EXHIBIT P2. PHOTOCOPY OF PROCEEDINGS OF THE SUB COLLECTOR DATED
11.5.09.**

**EXHIBIT P3. PHOTOCOPY OF REPRESENTATION DATED 25.8.09 SENT BY THE
PETITIONER.**

**EXHIBIT P4. PHOTOCOPY OF SALES NOTICE ISSUED BY THE RESPONDENT BANK
DATED 16.4.15.**

EXHIBIT P5. PHOTOCOPY OF SALE NOTICE DATED 31.7.15.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.25258 of 2015

Dated this the 19th day of August, 2015

JUDGMENT

The petitioner, challenging the sale pursuant to SARFAESI proceedings, has approached this Court. The petitioner's case is that no notice has been served on him before the sale.

2. It is submitted by the learned counsel for the Bank that the property was sold on 20.5.2015 and the auction purchaser has remitted the entire amount on 29.5.2015.

3. This Court is of the view that the petitioner has an alternate remedy against the sale before the Debts Recovery Tribunal. In that view of the matter, with liberty to challenge the sale, the writ petition is disposed of. The Bank is directed to give the address of the auction purchaser to the petitioner within a period of one week.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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