

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 27410 of 2015 (A)

PETITIONER(S) :

**KADER PILLAI K.S, AGED 65 YEARS,
S/O.K.A.SAIDALI, RUKIYA BAGH ROYAL LANE, KADAVANTHARA,
ERNAKULAM, PIN - 682 020.**

**BY ADVS.SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.JOSEPH KURIAN VALLAMATTAM
SRI.K.H.ANSAR**

RESPONDENT(S) :

- 1. THE AUTHORISED OFFICER,
THE SOUTH INDIAN BANK LIMITED, REGIONAL OFFICE,
ERNAKULAM, SIB BUILDING, INFOPARK,
RAGAGIRI VALLEY P.O., KAKKANAD, KOCHI - 682 039.**
- 2. THE CHIEF MANAGER,
SOUTH INDIAN BANK LTD., DOOR NO.39/4165,
SHEMA BUILDING, GROUND FLOOR, M.G.ROAD BRANCH,
ERNAKULAM, KOCHI - 682 039.**
- 3. THE SPECIAL TAHSILDAR (LA),
METRO NO.1, COLLECTORATE, KAKKANAD,
ERNAKULAM - 682 030.**
- 4. MANAGING DIRECTOR,
M/S.KOCHI METRO RAIL LTD., 8TH FLOOR, REVENUE TOWER,
PARK AVENUE, KOCHI - 682 011.**

**R1 & R2 BY ADV. SRI.GEORGE VARGHESE, S.C
R3 BY GOVERNMENT PLEADER SMT.K.T.LILLY
R4 BY SRI.K.JAJU BABU (SENIOR ADVOCATE)
ADV. SMT.M.U.VIJAYALAKSHMI, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE SANCTION OF CREDIT FACILITIES
DATED 22.12.2012.**
- EXHIBIT P2: TRUE COPY OF THE DEMAND NOTICE DATED 13.11.2014 UNDER
SECTION 13(2) OF THE SARFAESI ACT, 2002 PUBLISHED IN
THE HINDU DAILY DATED 03.01.2015.**
- EXHIBIT P3: TRUE COPY OF THE POSSESSION NOTICE DATED 19.01.2015
ISSUED BY RESPONDENT BANK.**
- EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 24.01.2015.**
- EXHIBIT P5: TRUE COPY OF THE JUDGMENT DATED 03.02.2015 IN WRIT
PETITION NO:2998/15.**
- EXHIBIT P6: TRUE COPY OF THE ACCOUNT STATEMENT DATED 17.08.2015.**
- EXHIBIT P7: TRUE COPY OF THE JUDGMENT DATED 25.06.2015 IN
WP(C)NO.19155/2015.**
- EXHIBIT P8: TRUE COPY OF THE LETTER DATED 09.07.2015 ISSUED BY
THE 2ND RESPONDENT.**
- EXHIBIT P9: TRUE COPY OF THE PROCEEDINGS DATED 17.07.2015 OF
THE 2ND RESPONDENT.**
- EXHIBIT P10: TRUE COPY OF THE TENDER CUM AUCTION NOTICE
DATED 07.08.2015.**
- EXHIBIT P11: TRUE COPY OF THE VALUATION CERTIFICATE OF
THE REGISTERED VALUE B.JAYALEKSHMI DATED 29.08.2015
ALONG WITH PHOTOGRAPHS.**
- EXHIBIT P12: TRUE COPY OF THE REPRESENTATION DATED 04.09.2015
SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXHIBIT P13: TRUE COPY OF THE INTERIM ORDER DATED 16.09.2015 IN
W.P.(C).NO.24586/15.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.27410 OF 2015

Dated this the 5th day of October, 2015

J U D G M E N T

It is submitted by counsel for the petitioner that, the condition imposed by this Court in the interim order dated 10.09.2015 has not been complied with. Under the said circumstances, I am of the view that, the petitioner is not entitled to the discretionary relief from this Court in these proceedings under Article 226 of the Constitution of India. The writ petition therefore fails and is accordingly dismissed.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns