

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 30146 of 2015 (P)

PETITIONER(S) :

1. **M/S. HOPE CONSTRUCTIONS, ANICKASSERIL BUILDING,
KADAMATTAM.P.O., KOLENCHERRY, PIN-682 311,
REPRESENTED BY ITS MANAGING PARTNER
A.P.RAJAPPAN, S/O.POULOSE, ANICKASSERIL HOUSE
KADAMATTAM.P.O., KOLENCHERRY-682 311.**
2. **A.P.RAJAPPAN, AGED 73 YEARS
S/O.POULOSE, ANICKASSERIL HOUSE, KADAMATTAM.P.O.,
KOLENCHERRY, PIN-682 311.**
3. **PAUL RAJAN, AGED 42 YEARS
S/O.A.P.RAJAPPAN, ANICKASSERIL HOUSE, KADAMATTAM.P.O.
KOLENCHERRY, PIN-682 311.**
4. **ABY RAJAN, AGED 38 YEARS
S/O.A.P.RAJAPPAN, ANICKASSERIL HOUSE, KADAMATTAM.P.O.
KOLENCHERRY, PIN-682 311.**
5. **LILLY RAJAPPAN, AGED 70 YEARS
W/O.A.P.RAJAPPAN, ANICKASSERIL HOUSE, KADAMATTAM.P.O.
KOLENCHERRY, PIN-682 311.**
6. **NIVEA PAUL, AGED 37 YEARS,
W/O.PAUL RAJAN, ANICKASSERIL HOUSE, KADAMATTAM.P.O.
KOLENCHERRY, PIN-682 311.**
7. **ELSA ABY, AGED 30 YEARS
W/O.ABY RAJAN, ANICKASSERIL HOUSE, KADAMATTAM.P.O.
KOLENCHERRY, PIN-682 311.**
8. **OMANA POULOSE @ SARAMMA POULOSE, AGED 78 YEARS,
ANICKASSERIL HOUSE, KADAMATTAM.P.O., KOLENCHERRY
PIN-682 311.**

**BY ADVS.SRI.ANTONY MUKKATH
SMT.M.V.LIGI
SMT.K.RADHAMANI AMMA**

Contd...2/-

AMV

WP(C).No. 30146 of 2015 (P)

RESPONDENT(S) :

1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF FINANCE,
NEW DELHI, PIN-110 004.
2. RESERVE BANK OF INDIA,
REPRESENTED BY ITS GOVERNOR, NEW DELHI-110 004.
3. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY
SECRETARIAT BUILDINGS, THIRUVANANTHAPURAM.
4. THE FEDERAL BANK LIMITED,
REPRESENTED BY ITS CHAIRMAN, REGISTERED OFFICE,
FEDERAL TOWERS, ALUVA, ERNAKULAM DISTRICT, PIN-683 101.
5. THE CHIEF MANAGER,
THE FEDERAL BANK LIMITED, KOLENCHERRY BRANCH,
KOLENCHERRY, ERNAKULAM DISTRICT. PIN-682 311.
6. SRI ANTONY DIAS, ADVOCATE COMMISSIONER,
APPOINTED BY THE CHIEF JUDICIAL MAGISTRATE,
ERNAKULAM, KACHERIPPADY, CHITTOOR ROAD,
ERNAKULAM, KOCHI-682 018.

R1 BY ADV. SMT.C.G.PREETHA, CGC
R5 BY ADV. SRI.A.ANTONY
R5 BY ADV. SMT.LEELAMMA ANTONY
R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
SRI.O.V.RADHAKRISHNAN, SC
R3 BY SMT.LILLY K.T., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 30146 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1- COPY OF LETTER DATED 10.03.2015 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONERS.**
- P2- COPY OF LETTER NO.KLY/SARFAESI/2015 DATED 21.05.2015 OF THE 5TH RESPONDENT BANK TO THE PETITIONERS.**
- P3- COPY OF LETTER NO.KLY/SARFAESI/2015 DATED 10.06.2015 OF THE 5TH RESPONDENT BANK TO THE PETITIONERS.**
- P4- COPY OF REPRESENTATION DATED 23.07.2015 ISSUED BY THE 1ST PETITIONER TO THE 3RD RESPONDENT.**
- P5- COPY OF LETTER NO.FIDD(T)CEPC NO.484/10.05.001/2015-16 DATED 30.09.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.**
- P6- COPY OF NOTICE IN CRL.M.P.NO.3304/2015 DATED 19.09.2015 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONERS.**
- P7- COPY OF POSTAL ENVELOPE WITH POSTAL RECEIPT DATED 03.10.2015.**
- P8- COPY OF DAILY MANGALAM DATED 07.09.2015.**
- P9- COPY OF INFORMATION OBTAINED FROM THE PUBLIC INFORMATION OFFICER DATED 10.04.2015 UNDER RIGHT TO INFORMATION ACT FROM THE PWD.**
- P10- COPY OF LETTER NO.ARD/SA/PF-7347/2015/2589 DATED 06.10.2015 ISSUED BY 4TH RESPONDENT TO THE 2ND PETITIONER.**
- P11- COPY OF OFFER DATED 20.10.2015 ISSUED BY THE 2ND PETITIONER TO THE 4TH RESPONDENT BANK.**

RESPONDENT(S)' EXHIBITS : **NIL**

/TRUE COPY/

PA.TO JUDGE

AMV

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No.30146 of 2015

Dated this the 20th day of October, 2015

JUDGMENT

The petitioners, who had approached this Court aggrieved by the steps taken by the respondent bank for realization of defaulted loan amounts, was granted an interim order of stay on 05/10/2015 against further proceedings for recovery pursuant to Exts.P6 and P8. When the matter was called up today, it is submitted by learned senior counsel appearing for the petitioner that a proposal for one time settlement has been preferred before the respondent bank by way of Ext.P11, that was sent to the respondent bank pursuant to Ext.P10 letter issued by the bank to them. Taking note of the said developments, I dispose the writ petition with the direction to the respondent bank to consider and pass orders on Ext.P11 representation that has been submitted by the petitioners before the Deputy General Manager, Asset Recovery Department of the respondent bank within a period of one month from the date of receipt of a copy of this judgment. I make it clear that the stay against recovery proceedings that was granted by this Court by order dated 05/10/2015 shall continue to be in force till such time as orders are passed by the respondent bank as directed and communicated to the petitioners.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**