

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 33167 of 2015 (U)

PETITIONER : -

M.B.SHAJI, AGED 45 YEARS,
S/O.BHASKARAN, MANNEZHATH,
MARARIKKULAM NORTH P.O.,
ALAPPUZHA DISTRICT, PIN-688523.

BY ADV.SRI.K.C.SUDHEER

RESPONDENT : -

THE ALAPPUZHA DISTRICT CO-OPERATIVE BANK LTD.,
EVENING BRANCH, KIDANGAMPARAMBU,
ALAPPUZHA, PIN-688501. REPRESENTED BY ITS BRANCH MANAGER.

BY ADV.SMT.K.N.RAJANI, SC, ALAPPUZHA DIST.CO.OP.BANK LTD.
BY ADV.SRI.GEORGE POONTHOTTAM,SC,ALAPPUZHA DIST.CO.OP BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33167 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : COPY OF THE JUDGMENT DATED 19/10/2010 IN C.C. NO.734 OF 2008
OF THE CHIEF JUDICIAL MAGISTRATE COURT, ALAPPUZHA.

RESPONDENT'S EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 33167 of 2015

Dated this the 08th day of December, 2015

JUDGMENT

The petitioner, a borrower from the respondent Bank, has a grievance that despite the fact that the loan has been barred by time, the respondent officials are coming to his house intermittently threatening seizure of movables for the recovery of the loan.

2. In response to the submissions made by the learned counsel for the petitioner, the learned counsel for the respondent Bank has submitted that the petitioner has not produced any material before this Court to show that the respondent Bank has been making any illegal attempts to recover what is said to be a debt barred by time.

3. The learned counsel has also further submitted that if at all the respondent Bank intends to initiate any proceedings for the recovery of the loan, it will follow due process.

In the facts and circumstances, I am of the opinion that the writ petition is based on mere apprehension. If at all there is an element of truth in the allegation of the petitioner that the respondent officials have been frequently threatening to

seize movables, it is open for him to take appropriate action against those officials, for their conduct, if true, amounts to trespass.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-