

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 36004 of 2015 (A)

PETITIONER:

**SIBY MANI,
THEKKEKARAKADUPPIL HOUSE,
CHAKKAKANAM,
NEDUMKANDOM POST-685553.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH**

RESPONDENT:

**THE CHIEF MANAGER,
STATE BANK OF TRAVANCORE,
NEDUMKANDOM-685553.**

**BY SRI.SATHISH NINAN, SC
BY SRI.SANTHOSH MATHEW, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

EXT. P1 : A TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF LAND TAX
IN RESPECT OF THE PROPERTY.

EXT. P2 : A TRUE COPY OF THE NOTICE UNDER SECTION 13(2) OF THE
SARFAESI ACT DATED 26.10.2015.

EXT. P3 : A TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL
OFFICER, KRISHIBHAVAN, NEDUMKANDAM DATED 21.11.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.36004 of 2015

Dated this the 2nd day of December 2015

JUDGMENT

The petitioner in the writ petition is aggrieved by the steps initiated by the respondent bank under the SARFAESI Act, against properties of the petitioner which are stated to be agricultural property. The challenge in the writ petition against the notices issued to the petitioner under the SARFAESI Act, is on the ground of jurisdiction.

The learned standing counsel for the respondent bank would submit on instructions that the notices issued to the petitioner, were under a mistake and steps have already been taken to cancel the said notices issued to the petitioner. Taking note of the said submission of standing counsel for the respondent bank, and finding that the grievance of the petitioner in the writ petition stands redressed by the action of the respondent bank in cancelling the notices issued to the petitioner, I close the writ petition without prejudice to the right of the respondent bank to pursue OA No.17/2011, pending before the Debts Recovery Tribunal, Ernakulam.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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