IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.M.BADAR

FRIDAY, THE 23RD DAY OF OCTOBER 2020 / 1ST KARTHIKA, 1942

WP(C).No.20722 OF 2020(M)

PETITIONER:

S.NOOR MOHAMMED
AGED 66 YEARS
S/O.SYED MOHAMMED, NISHANA MANZIL, DOOR NO.XXV/29,
KUNNATHUR MEDU POST, COIMBATORE ROAD,
PALAKKAD-678013, NOW RESIDING AT RUBI MANZIL,
DOOR NO.XXV/683 (8), MANAPPULLIKAVU, PALAKKAD-678013.

BY ADVS.
SRI.ROBIN THOMAS PHILIP
SRI.SUJITH AJAYAN

RESPONDENTS:

1 **INDIAN OVERSEAS BANK,**
OPPANAKKARA STREET BRANCH, 574, OPPANAKKARA STREET,
COIMBATORE - 641001, REP. BY ITS CHIEF MANAGER.

2 **THE AUTHORIZED OFFICER,**
INDIAN OVERSEAS BANK, OPPANAKKARA STREET BRANCH, 574,
OPPANAKKARA STREET, COIMBATORE – 641 001.

R1-R2 BY ADV. SRI.SUNIL SHANKER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 23rd day of October 2020

Learned counsel for the petitioner submits that in view of the statement filed by respondents as per the provisions of the SARFAESI Act, the petitioner is seeking alternate remedy of approaching the Debt Recovery Tribunal in the matter.

This writ petition stands disposed of accordingly. The petitioner can raise all contentions, if he is permitted to do so according to the provisions of law, before the appropriate authority.

Sd/-

A.M.BADAR

JUDGE

smp

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE DEED OF SETTLEMENT DATED 28.2.2015.**
EXHIBIT P2	**TRUE COPY OF THE POSSESSION NOTICE DATED 15.10.2015 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF THE POSSESSION NOTICE PUBLISHED IN 'THE NEW INDIAN EXPRESS' ON 19.10.2015.**
EXHIBIT P4	**TRUE COPY OF THE POSSESSION NOTICE PUBLISHED IN 'DEEPIKA' ON 19.10.2015.**
EXHIBIT P5	**TRUE COPY OF THE SALE NOTICE DATED 2.12.2019 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P6	**A TRUE COPY OF THE POSTAL COVER ADDRESSED TO MRS. SAHEEDA BEGUM.**
EXHIBIT P7	**TRUE COPY OF THE SALE NOTICE PUBLISHED IN 'THE NEW INDIAN EXPRESS' ON 4.12.2019.**

RESPONDENT'S ANNEXURES:

ANNEXURE R1(a)	TRUE COPY OF THE SALE NOTICE DTD.28.2.2020.
ANNEXURE R1(b)	TRUE COPY OF THE RETURNED POSTAL COVER.
ANNEXURE R1(c)	TRUE COPIES OF THE PAPER PUBLICATION DTD.3.3.2020.
ANNEXURE R1(d)	TRUE COPY OF THE SALE CERTIFICATE DTD.17.6.2020.

True Copy

P.S to Judge

smp