IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

TUESDAY, THE 23RD DAY OF JULY 2024 / 1ST SRAVANA, 1946

WP(C) NO. 43480 OF 2023

PETITIONER/S:

1 SHAMSUDHEEN
AGED 42 YEARS
S/O. MOHAMMED, KUNNATHU HOUSE, TIRURKKAD, MALAPPURAM., PIN - 679351

2 JUSTIN GEORGE
AGED 50 YEARS
S/O. GEORGE, HOUSE NO. V/9, AIPPAN PARAMBIL, KEERIPARA, MANIKKASSERY POST, KONGAD AMSOM DESOM, PALAKKAD TALUK, PALAKKAD DISTRICT., PIN - 678631

BY ADVS.
P.R.VENKATESH
LAKSHMI MEENAKSHI P.R.

RESPONDENT/S:

AUTHORISED OFFICER
KERALA STATE CO-OPERATIVE BANK (ERSTWHILE MDC BANK), P.B. NO. 8, MANJERI ROAD, UP-HILL, MALAPPURAM, PIN - 678505

BY ADV GILBERT GEORGE CORREYA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The present writ petition has been filed impugning the possession notice issued under the provision of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('the SARFAESI Act' for short). The remedy against the impugned notice is not a writ petition but taking appropriate proceedings before the Debt Recovery Tribunal (DRT) under the provision of the SARFAESI Act.

In view thereof, the present writ petition is disposed of, with liberty to the petitioner to file appropriate proceedings before the DRT, if the petitioners are so advised. The time spend in prosecution of this writ petition shall be condoned, while entertaining the proceedings filed before the DRT.

Sd/-

DINESH KUMAR SINGH
JUDGE

SJ

APPENDIX OF WP(C) 43480/2023

PETITIONER EXHIBITS

EXHIBIT P1	**TRUE COPY OF STATEMENT OF ACCOUNT FROM 6.8.2015 TO 4.10.2023 ISSUED BY THE BANK**
EXHIBIT P2	**TRUE COPY OF THE NOTICE DATED 25.9.2023**
EXHIBIT P3	**TRUE COPY OF THE REPRESENTATION BY THE 1ST PETITIONER ON 07.10.2023 TO THE BANK**