IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

MONDAY, THE 5TH DAY OF AUGUST 2024 / 14TH SRAVANA, 1946

WP(C) NO. 24213 OF 2024

PETITIONER/S:

SHIFAS T.K
AGED 40 YEARS
S/O. KHADAR THINDIKAL HOUSE, KURIKKUZHOII P.O,
KAIPAMANGALAM, THRISSUR, PIN - 680681

BY ADVS.
S.SUJIN
B.BILWIN

RESPONDENT/S:

1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF CO-OPERATIVES SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 IRINJALAKKUDA TOWN CO-OPERATIVE BANK LTD NO.55
HEAD OFFICE, IRINJALAKKUDA, THRISSUR REPRESENTED BY ITS GENERAL MANAGER, PIN - 680121

3 SHIVAPRASADHAN
AGED 69 YEARS
S/O.MANIKKYAN, VAALIPPARAMBIL, EDAMUTTOM P.O, THRISSUR, PIN - 680568

BY ADVS.
Devaprasanth P.J
SMINI JOSE(K/262/2015)
AMRUTHA(K/001354/2024)

OTHER PRESENT:

SRI. DEVAPRASANTH P.J., SRI BINOY DAVIS GP

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 05.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The present writ petition has been filed seeking the following reliefs:

> "i. To issue a writ of mandamus or any other appropriate writ order or direction directing the 2nd respondent to consider Exhibit-P5 and grant sufficient time of two months to the petitioner for vacating the building.
> ii. To issue a writ of mandamus or any other appropriate writ order or OF direction directing the 2nd respondent not to proceed with taking possession of the building for a period of two months.
> iii. Dispense with the translation of vernacular documents;
> iv. To issue such other further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case."

2. The petitioner is the tenant of the third respondent, who took a loan from the second respondent/Bank. The third respondent defaulted in repaying the loan, and therefore, the Bank proceeded under the provisions of the SARFAESI Act. The

possession has to be taken.

2.1 The petitioner, who has no right over the Bank and is not a party to the *lis* between the Bank and the third respondent-the borrower, has approached this Court in this writ petition.

3. This Court initially granted the petitioner one month's time to vacate the premises. However, within that time, the petitioner has not vacated the premises. Therefore, this Court finds no ground to extend the time granted for vacating the premises in question.

The present writ petition has no merit; hence, it is dismissed.

Sd/-

DINESH KUMAR SINGH

JUDGE

jjj

APPENDIX OF WP(C) 24213/2024

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE LICENSE DATED 23/06/2019 |
| Exhibit P2 | TRUE COPY OF THE LICENSE DATED 03/07/2024 ISSUED BY THE PANCHAYATH |
| Exhibit P3 | TRUE COPY OF THE LEASE AGREEMENT DATED 01/12/2022 ENTERED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT |
| Exhibit P4 | TRUE COPY OF THE NOTICE DATED 24/05/2023 ISSUED BY THE ADVOCATE COMMISSIONER |
| Exhibit P5 | TRUE COPY OF THE REQUEST DATED 04/07/2024 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT BANK SEEDING TIME TO VACATE THE BUILDING |