IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

FRIDAY, THE 26TH DAY OF JULY 2024 / 4TH SRAVANA, 1946

WP(C) NO. 26924 OF 2024

PETITIONER/S:

1 DEVARAJAN P.G.,
AGED 60 YEARS
S/O. GOPALA PILLAI, KAILATH VEEDU, MAZHUKEER, KALLISSERY P.O, THIRUVANDOOR VILLAGE, CHENGANNUR, ALAPPUZHA, PIN - 689124

2 AJITH G. NAIR,
AGED 52 YEARS
S/O. M.N. GOVINDAN NAIR, MUKKATHU HOUSE, VERROOR P.O, CHETHIPUZHA, CHANGANASSERY TALUK, KOTTAYAM, PIN - 686104

BY ADV V.PHILIP MATHEWS

RESPONDENT/S:

1 AXIS BANK , KOTTAYAM BRANCH ,
NO 9/311, A/2, CENTURY TOWERS, SH 1, NEAR Y.W.C.A, NAGAMPADAM, KOTTAYAM REPRESENTED BY ITS CHIEF MANAGER, PIN - 686001

2 CHENGANNUR CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LIMITED NO 1154,
MAKAM BUILDING, THITTAMEL P.O., CHENGANNUR, ALAPPUZHA, REPRESENTED BY ITS MANAGER, PIN - 689521

3 PADMAKUMARI,
AGED 75 YEARS
D/O. GOWRIKUTTI AMMA, PADMAVILASAM, ERAMALLIKKARA P.O, THIRUVANVANDOOR VILLAGE,CHENGANNUR , ALAPPUZHA, PIN - 689109

4 SANTHAKUMARI,
AGED 72 YEARS
D/O. GOWRIKUTTI AMMA, PADMAVILASOM ERAMALLIKKARA P.O, THIRUVANVANDOOR VILLAGE, CHENGANNUR, ALAPPUZHA, PIN - 689109

5 PANKAJAKSHI AMMA ,
AGED 84 YEARS
D/O.JANAKI AMMA. KIZHAKKEKAILATH VEEDU, MAZHUKEER, KALLISSERY P.O, THIRUVANVANDOOR VILLAGE, CHENGANNUR, ALAPPUZHA, PIN - 689124

6 PRASANNA KUMARI,
AGED 64 YEARS
D/O. EASWARI AMMA, KOIPURATHU HOUSE, ELANTHOOR P.O,

PATHANMATHITTA, PIN - 689643

7 VASANTHA KUMARI,
AGED 63 YEARS
D/O. EASWARI AMMA, KOIPURATHU HOUSE, ELANTHOOR P.O, PATHANAMTHITTA, PIN - 689643

8 JAYESH KUMAR,
AGED 52 YEARS
S/O. KUTTAPPAN NAIR,PALLANA PADINJATETHIL, PERISSEY P.O, PERISSERY MURI, PULIYOOR VILLAGE, CHENGANNUR TALUK, ALAPPUZHA, PIN - 689126

9 MAHESH KUMAR,
AGED 45 YEARS
S/O.KUTTAPPAN NAIR, PALLANA PADINJATETHIL, PERISSERY P.O, PULIYOOR VILLAGE, CHENGANNUR TALUK, ALAPPUZHA, PIN - 689126

10 SASIKUMAR,
AGED 65 YEARS
S/O.NANU PILLAI, A/51 ARUNODAYA APARTMENT, PADMANABHA NAGAR, SONAPURE, BHOPAL, MP STATE, PIN - 480221

11 SOBHANAKUMARI,
AGED 42 YEARS
D/O. EASWARI AMMA, 225/8 KALPAKA APARTMENT,JP ROAD, MEENAKSHIPURAM, NEW DELHI, PIN - 678533

12 KUTTAPPAN NAIR,
AGED 74 YEARS
KOIPURATHU VEEDU, PARIYARAM, ELANTHOOR P.O, PATHANAMTHITTA, PIN - 689643

13 PRASANNAKUMAR,
AGED 63 YEARS
, S/O. SREEDHARAN PILLAI, PALLANA PADINJATETHIL, PERISSERY P.O, PULIYOOR VILLAGE, CHENGANNUR TALUK, ALAPPUZHA, PIN - 689126

OTHER PRESENT:

SRI. MADHU RADHAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The present writ petition has been filed with the following prayer:

> "Issue a writ of mandamus or appropriate writ or order directing first respondent to defer the proceedings based on Exhibit P4 for a period of 45 days to enable the Petitioners to avail appropriate legal remedies."

2.In view of the circular dated 19.07.2024, issued by the Registrar General of this court the writ petition has not been numbered. Inasmuch as the remedy in respect of the SARFAESI proceedings is before the Debt Recovery Tribunal and not before the High Court.

In view thereof, the present writ petition is dismissed, leaving it open to the petitioner to take recourse to the remedy, as may be available to him, under the law.

Sd/-

DINESH KUMAR SINGH

JUDGE

SJ

APPENDIX OF WP(C) 26924/2024

PETITIONER EXHIBITS

EXHIBIT P 1	**TRUE COPY OF THE PLAINT IN O.S. NO. 8 OF 2023 BEFORE THE SUB COURT, CHENGANNUR FILED BY PETITIONERS**
EXHIBIT P 2	**TRUE COPY OF THE WRITTEN STATEMENT OF THE FIRST RESPONDENT IN IN O.S. NO. 8 OF 2023 BEFORE THE SUB COURT, CHENGANNUR**
EXHIBIT P 3	**TRUE COPY OF THE ORDER OF INJUNCTION IN I.A 1/2023 IN O.S 8/2023 ON THE FILE OF THE COURT OF THE SUB JUDGE, CHENGANNUR**
EXHIBIT P 4	**TRUE COPY OF THE NOTICE DATED 12-07-2024 ISSUED BY ADVOCATE COMMISSIONER MEGHA M TO THE 13TH RESPONDENT**