IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947

WP(C) NO. 11189 OF 2025

PETITIONERS:

1 M/S. HAYA HOMES (INDIA) PRIVATE LIMITED
NEAR BANK OF MAHARASHTRA ,
KRISHNA SREE COMPLEX, CONVENT ROAD,
THRISSUR
REPRESENTED BY ITS DIRECTOR GINI RAMESH,
PIN - 680020

2 GINI RAMESH
AGED 51 YEARS
W/O RAMESH P.K., RESIDING AT PUTHENPURACKAL,
KOLLAMKUNNU, NADAVARAMBU P.O.,
THRISSUR DISTRICT, PIN - 680661

3 ANANTHU RAMESH
AGED 22 YEARS
S/O RAMESH P.K., RESIDING AT PUTHENPURACKAL,
KOLLAMKUNNU, NADAVARAMBU P.O.,
THRISSUR DISTRICT, PIN - 680661

4 ANAGHA RAMESH
AGED 20 YEARS
D/O RAMESH P.K.,
RESIDING AT PUTHENPURACKAL,KOLLAMKUNNU,
NADAVARAMBU P.O., THRISSUR DISTRICT,
PIN - 680661

BY ADVS.
G.HARIHARAN
PRAVEEN.H.
K.S.SMITHA

V.R.SANJEEV KUMAR
B.R.SINDU
AFNA V.P.
REMYA MURALI

RESPONDENTS/APPLICANTS/DECREE HOLDER:

1 **THE RECOVERY OFFICER**
DEBTS RECOVERY TRIBUNAL, 2ND FLOOR,
KERALA STATE HOUSING BOARD BUILDING,
PANAMPILLY NAGAR, ERNAKULAM,
PIN - 682036

2 **M/S.CANARA BANK**
IRINJALAKUDA BRANCH,KRISHNA BUILDING,
TANA, THRISSUR DISTRICT
REPRESENTED BY ITS BRANCH MANAGER.,
PIN - 680121

3 **KERALA STATE LEGAL SERVICES AUTHORITY (KSLSA)**
NIYAMA SAHAYA BHAVAN, HIGH COURT COMPOUND,
KOCHI, ERNAKULAM
REPRESENTED BY ITS SECRETARY, PIN - 682031

SRI. M.GOPIKRISHNAN NAMBIAR,STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 3rd day of April, 2025

The writ petition has been filed by the petitioners seeking the following reliefs:-

> "(i) Issue a writ of mandamus or any other appropriate writ or order restraining the 1st respondent from proceeding with the proposed proclamation of sale of the secured assets on the strength of Ext.P13 proclamation notice till the consideration of Ext.P12 fresh proposal made by the petitioner for One time settlement by the 2nd respondent.
>
> (ii) Issue a writ of mandamus or any other appropriate writ or order commanding the 2nd respondent-Bank to consider the fresh proposal for OTS made by petitioners 1 and 2 on the strength of Ext.P12 with out any delay."

2. Standing Counsel submits that sale pursuant to the impugned proclamation notice has not been taken place for want of bidders. Therefore, the writ petition has become infructuous to that extent. As regards the second prayer of the petitioners for consideration of fresh One Time Settlement proposal, it was made clear by this Court in the interim order

dated 27.03.2025 that if the proposal is received and if the petitioners remit requisite upfront payment, confirmation of sale shall stand deferred. The petitioners have not remitted the requisite upfront payment, submits the Standing Counsel.

3. In the circumstances, it will be appropriate for the petitioners to approach the Bank making upfront payment as per the Regulations of the Bank, for consideration of One Time Settlement proposal.

The writ petition is disposed of with the said observation.

Sd/-

N.NAGARESH

JUDGE

hmh

APPENDIX OF WP(C) 11189/2025

PETITIONERS' EXHIBITS

Exhibit P1	**A TRUE COPY OF THE INCORPORATION CERTIFICATE ISSUED BY THE REGISTRAR OF COMPANIES , KERALA AND LAKSHADWEEP ON 07.12.2005**
Exhibit P2	**A TRUE COPY OF THE FINAL ORDER MADE IN O.A. NO.51/2017 BY THE DEBT RECOVERY TRIBUNAL ERNAKULAM ON 24.06.2019**
Exhibit P3	**A TRUE COPY OF THE JUDGMENT MADE IN W.P.(C) NO.7492/2023 BY THIS HON'BLE COURT ON 08.03.2023**
Exhibit P4	**A TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, EDATHALA GRAMA PANCHAYAT ON 08.12.2023**
Exhibit P5	**A TRUE COPY OF THE NOTICE DATED 20.01.2024 ISSUED BY THE 3RD RESPONDENT ADDRESSED TO THE 1ST PETITIONER APPEAR FOR A HEARING FOR SETTLING THE MATTER**
Exhibit P6	**A TRUE COPY OF THE AWARD DATED 30.01.2024 PASSED BY THE LOK ADALATH HELD UNDER THE INSTANCE OF THE 3RD RESPONDENT**
Exhibit P7	**A TRUE COPY OF THE REQUEST DATED 28.04.2024 MADE BY THE 2ND PETITIONER FOR EXTENSION OF TIME BEFORE THE 3RD RESPONDENT**
Exhibit P8	**A TRUE COPY OF THE JUDGMENT MADE IN**

W.P.(C).NO.17517/2024 ON 06.08.2024

Exhibit P9	**A TRUE COPY OF THE COMMUNICATION DATED 17.02.2025 SENT BY THE 2ND RESPONDENT BANK ADDRESSED TO THE PETITIONERS**
Exhibit P10	**A TRUE COPY OF THE REPLY DATED 24.02.2025 SENT BY THE PETITIONERS ADDRESSED TO THE 2ND RESPONDENT**
Exhibit P11	**A TRUE COPY OF THE COMMUNICATION DATED 04.03.2025 SENT BY THE 2ND RESPONDENT ADDRESSED TO THE PETITIONERS**
Exhibit P12	**A TRUE COPY OF THE FRESH ONE TIME SETTLEMENT PROPOSAL MADE BY THE PETITIONERS BEFORE THE 2ND RESPONDENT ON 11.03.2025**
Exhibit P13	**A TRUE COPY OF THE PROCLAMATION NOTICE DATED 10.02.2025 ISSUED BY THE 1ST RESPONDENT VIDE E-SALE NOTICE NO.16/2025 IN DRC.NO.142/2019**
Exhibit P14	**A TRUE COPY OF THE OTS REQUEST MADE BY THE PETITIONER ON 29.03.2025**
Exhibit P15	**A TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF RS. ONE LAKH TO THE RESPONDENT BANK ON 29.03.2025**