



2025:KER:30231

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

OP (DRT) NO. 119 OF 2025

SA NO.724/2024 OF DEBT RECOVERY TRIBUNAL, ERNAKULAM

PETITIONER/APPLICANT:

VIPIN V.C.,
AGED 45 YEARS,
S/O. VELAYUDHAN, JASVI HOUSE, PALAZHIPALA, G.A. COLLEGE
P.O., KOZHIKODE DISTRICT, PIN - 673014.

BY ADVS.
GAYATHRI KRISHNAN
VINAY JOHN.A.J

RESPONDENT/DEFENDANTS:

- 1 KERALA STATE CO-OP. BANK LTD., (ERSTWHILE KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.), RECOVERY SECTION, P.B. NO.503, KALLAI ROAD, CHALAPURAM P.O., KOZHIKODE DISTRICT, PIN CODE- 673002. REPRESENTED BY ITS AUTHORIZED OFFICER, PIN - 673002.
- 2 THE AUTHORIZED OFFICER, KERALA STATE CO-OP. BANK LTD., (ERSTWHILE KOZHIKODE DISTRICT CO-OPERATIVE BANK LTD.), RECOVERY SECTION, P.B. NO.503, KALLAI ROAD, CHALAPURAM P.O., KOZHIKODE DISTRICT, PIN - 673002.

BY SRI.P.C.SASIDHARAN, SC

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP FOR ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner has approached this Court seeking the following relief:-

“Pass an order restraining the respondent from issuing sale certificate, registration of the sale and all further sale procedures pertaining to the secured asset until the disposal of S.A.724 of 2024.”

2. The learned counsel appearing for the petitioner submits that the sale of the property of the petitioner was scheduled to be held on 17.03.2025. It is submitted that since the petitioner had impugned the proceedings before the Debts Recovery Tribunal – I, Ernakulam (Tribunal) by filing S.A.No.724/2024, the petitioner filed an application before the Debts Recovery Tribunal for advancing the hearing of the case so that the petitioner may obtain a stay of the sale. It is submitted that since the Tribunal was not sitting, the application of the petitioner was not taken up. It is submitted that it is in such circumstances that the petitioner is before this Court seeking the aforesaid relief.



3. The learned counsel appearing for the respondent Bank submits that the sale of the property of the petitioner was held on 17.03.2025 and the entire amount was remitted by the auction purchaser by 18.03.2025 (Rs.6 lakhs on 17.03.2025 and Rs.9.02 lakhs on 18.03.2025). It is submitted that the address of the auction purchaser is the following:-

*“Raveendran
S/o.Chathukutty,
Kandileri (H), Medical college,
Kozhikode.”*

It is submitted that in such circumstances, it is for the petitioner to impugn the sale proceedings before the Tribunal by impleading the auction purchaser also and no relief can be granted in this Original Petition under Article 227 of the Constitution of India.

Having heard the learned counsel appearing for the petitioner and the learned counsel for the respondent Bank and considering the fact that the sale of the property of the petitioner was already concluded on 17.03.2025, I am of the view that the petitioner must seek appropriate reliefs either by amending the pending Securitisation Application or by filing a fresh Securitisation Application before the Tribunal. If the petitioner wishes to impugn the sale conducted by the Bank, the petitioner will also have to



implead the auction purchaser as a party to the proceedings before the Tribunal. Since the sale has already been completed on 17.03.2025 and since this Original Petition itself was filed only on 30.03.2025, I am of the opinion that no further relief can be granted to the petitioner in this Original Petition under Article 227 of the Constitution of India.

Therefore, reserving the right of the petitioner to impugn the sale proceedings before the Tribunal, this Original Petition is closed.

Sd/-
GOPINATH P.
JUDGE

DK



APPENDIX OF OP (DRT) 119/2025

PETITIONER EXHIBITS

Exhibit P1	TAX RECEIPT DATED 25-09-2024 ISSUED BY THE VILLAGE OFFICER, NELLIKODE
Exhibit P2	13(2) DEMAND NOTICE DATED 12-01-2023 ISSUED BY THE RESPONDENT.
Exhibit P3	POSSESSION NOTICE ISSUED BY THE RESPONDENT DATED 24-03-2023
Exhibit P4	POSSESSION NOTICE DATED 12-01-2024 ISSUED BY THE RESPONDENTS
Exhibit P5	NOTICE BEFORE AUCTION SALE DATED 21-08-2024 ISSUED BY THE RESPONDENT
Exhibit P6	SALE NOTICE DATED 18-09-2024 ISSUED ON 25-09-2024
Exhibit P7	POSTAL ENVELOPE BEARING CONSIGNMENT NO. RL93839720IN ISSUED BY RESPONDENTS
Exhibit P8	CONSIGNMENT TRACK RECORD OF EXHIBIT P6
Exhibit P9	TRUE COPY OF THE S.A 724 OF 2024 DATED 30-09-2024 FILED BEFORE THE DEBT RECOVERY TRIBUNAL-1, ERNAKULAM BENCH
Exhibit 10	SALE NOTICE ISSUED BY THE RESPONDENT DATED 25-02-2025
Exhibit 11	ADVANCE PETITION NUMBERED I.A.NO. 1099 OF 2025 DATED 12-03-2025
Exhibit P12	AMENDMENT APPLICATION NUMBERED I.A.NO. 1123 OF 2025
Exhibit P13	STAY PETITION NUMBERED I.A.NO. 1124 OF 2025
Exhibit P14	PETITION TO STAY NUMBERED I.A.NO. 1143 OF 2025