

P.T.Rafeeq Vs. the Assistant General Manager, State Bank of India

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Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : P.T.Rafeeq

Respondent : The Assistant General Manager, State Bank of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON FRIDAY,THE28H DAY OF FEBRUARY20149TH PHALGUNA, 1935 WP(C).No. 5769 of 2014 (U) ----- PETITIONER: ----- P.T.RAFEEQ, AGED32YEARS, S/O.ASSAINAR HAJI, M/S.P.T.REFRACTORY WORKS, NEW INDUSTRIAL DEVELOPMENT AREA (NIDA) KANJIKKOD, PALAKKAD, NOW RESIDING AT SABARI COMPLEX, FLAT NO.C-2, NEAR BPL, KOOTTUPATHA, PALAKKAD, PIN-678 007 BY ADVS.SRI.C.S.MANU SRI.S.K.PREMRAJ RESPONDENT(S): ----- 1. THE ASSISTANT GENERAL MANAGER, STATE BANK OF INDIA, CITY CREDIT CENTRE, RASMECCC, SBI BUILDING, ENGLISH CHURCH ROAD, PALAKKAD-678 001, REPRESENTED BY ITS ASSISTANT GENERAL MANAGER.

2. THE ASSISTANT GENERAL MANAGER, STATE BANK OF INDIA, CITY CREDIT CENTRE, RASMECCC, SBI BUILDING, ENGLISH CHURCH ROAD, PALAKKAD-678 001 3. AUTHORISED OFFICER, STATE BANK OF INDIA, CITY

CREDIT CENTRE, RASMECCC, SBI BUILDING, ENGLISH CHURCH ROAD, PALAKKAD-678 001. BY SRI.S.EASWARAN,SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: AS WP(C).No. 5769 of 2014 (U) APPENDIX PETITIONER(S)' EXHIBITS: EXT.P1: TRUE COPY OF THE NOTICE DATED 17.02.2014 ISSUED BY THE 3D RESPONDENT TO THE PETITIONER. EXT.P2: TRUE COPY OF THE PROPOSAL SUBMITTED BY THE PETITIONER TO THE RESPONDENTS 2 AND 3 EXT.P2(A): TRUE COPY OF THE POSTAL RECEIPT DATED 22.02.2014 FOR HAVING SENT EXHIBIT P2 TO RESPONDENTS 1 AND 2 RESPONDENT(S)' EXHIBITS: NIL /TRUE COPY/ P.A.TO JUDGE AS P.R. RAMACHANDRA MENON, J.

----- W.P.(C)No.5769 of 2014 -----
- - - - Dated this the 28th day of February, 2014

JUDGMENT

The petitioner has approached this Court with the following prayer: "i. issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to take up, consider and dispose of Exhibit P2 proposal for one time settlement and directing the 3rd respondent to keep in abeyance all further proceedings pursuant to Exhibit P1 for confirmation of sale until a decision is taken on Exhibit P1 and communicated to the petitioner." 2. The learned counsel appearing for the respondent Bank submits on instructions that the idea and understanding of the petitioner is not correct at all and that the same is only wrong and misconceived. It is stated that, the claim of the petitioner for 'one time settlement' was considered and the benefit was extended to him, but the due amount was not satisfied availing the benefit under the Scheme. It was accordingly, that the Bank proceeded with further steps, leading to the sale of the property, which has W.P.(C)No.5769 of 2014 -2- already been effected. Despite the sale effected on 17.02.2014, the Bank thought it fit and proper to give one more chance to the petitioner by causing the due amount to be satisfied; lest the sale should be confirmed. It was accordingly, that Ext.P1 notice was issued to the petitioner on 17.02.2014, mentioning that the due amount with interest shall be

satisfied within 'ten days' from the date of Ext.P1 notice. After receipt of Ext.P1 proceedings the petitioner submitted Ext.P2 and has approached this Court to cause the same to be considered and to keep the confirmation of the sale in abeyance till such time. It is stated that, Ext.P2 has already been considered and an order has been passed on 26.2.2014 holding that the request made by the petitioner as per Ext.P2 is not acceptable to the Bank and hence it cannot be acceded to. The learned counsel points out that a copy of the reply has already been forwarded to the petitioner as well. In the above circumstances, this Court finds that nothing further survives to be considered in the writ W.P.(C)No.5769 of 2014 -3- petition so as to call for any interference. Interference is declined and the writ petition is dismissed. Sd/- P.R. RAMACHANDRA MENON, JUDGE shg/

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