

Prasannakumar, vs Authorized Officer,

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/7119/2023

Appellant : Prasannakumar,

Respondent : Authorized Officer,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945 WP(C) NO. 7119 OF 2023 PETITIONER: PRASANNAKUMAR,
AGED 68 YEARS S/O PRABHAKARAN NARAYANA MANDIRAM,
KIDANGAYAM PADANILAM P.O., ALAPPUZHA-690529 BY ADVS.
P.YADHU KUMAR P.BABU KUMAR(K/413/1979) MEGHA
S.(K/3688/2023) RESPONDENT: AUTHORIZED OFFICER, KERALA
GRAMIN BANK, ATHIKATTUKULANGARA BRANCH, HEAD OFFICE,
MALAPPURAM- 676505 BY ADV ANEESH K M THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 29th day of February, 2024 The petitioner has availed Agricultural Loans of 3 lakhs and 7 lakhs from the respondent-Bank in the years 2018 and 2019. The relief sought for by the petitioner in the writ petition as originally filed, is to direct the respondent to grant 50 equal monthly instalments for repayment of entire defaulted arrears due to the respondent from the petitioner.

2. This Court passed an interim order on 10.04.2023 directing the petitioner to remit an amount of 1.5 lakhs on or before 03.05.2023.

3. Standing Counsel representing the Bank would submit that the said amount has not been paid so far.

4. The petitioner has now filed I.A. No.1 of 2024

seeking to amend the writ petition by incorporating additional grounds and prayers. The prayer portion sought to be amended by the petitioner is seeking to call for the records leading to Ext.P5 and quash the same by the issuance of a writ of certiorari or any other appropriate writ, order or direction.

5. Ext.P5 is an auction sale notice of immovable

property published by the Bank under Rules 8(6) and 9 of the Security Interest (Enforcement) Rules, 2002. If the petitioner wants to challenge an auction sale notice published under the provisions of the Security Interest (Enforcement) Rules, 2002, the petitioner has to approach the Debts Recovery Tribunal, invoking Section 17 of the Act, 2002. I do not find any extraordinary reason to entertain such prayers in this writ petition. In the afore facts and circumstances of the case, the writ petition fails and it is dismissed. Sd/- N.NAGARESH JUDGE spk
APPENDIX OF WP(C) 7119/2023 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE DEMAND NOTICE

ISSUED BY THE RESPONDENT UNDER SECTION OF 13[2] OF SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 DATED ON 24.01.2023

Exhibit P2

A TRUE COPY OF THE POSSESSION NOTICE

NOS) DATED 07.02.2023 ISSUED BY THE PETITIONER TO THE
RESPONDENT BANK Exhibit P5 A TRUE COPY OF THE E-AUCTION SALE
NOTICE DATED 17.01.2024 Exhibit P6 A PHOTOGRAPH OF THE
AGRICULTURAL LAND OF THE PETITIONER WHICH IS PUT FOR AUCTION
SALE Exhibit P7 THE DISABILITY CERTIFICATE OF THE SON OF THE
PETITIONER ISSUED BY THE MEDICAL BOARD

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