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Bharath Electronics vs Authorized Officer, M/S Hdb Financial Services Ltd

Bharath Electronics vs Authorized Officer, M/S Hdb Financial Services Ltd

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Court : Kerala

Decided On : Jul-30-2024

Judge : Honourable Mr. Justice D. K. Singh

Appeal No. : WP(C)/24377/2022

Appellant : Bharath Electronics

Respondent : Authorized Officer, M/S Hdb Financial Services Ltd

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946 WP(C) NO. 24377 OF 2022 PETITIONERS:

1 BHARATH ELECTRONICS AGED 61 YEARS REPRESENTED BY MANAGING PARTNER MANI VAZHAYIL, BHARATH ELECTRONICS, 5/34, 11G, ESHA ARCADE, MAVOOR ROAD, KOZHIKODE, PIN - 673004 2 NEW AMBADI AGENCIES AGED 60 YEARS REPRESENTED BY MANAGING PARTNER ASOKAN M, AMBADI TOWER, OP 1/136 C, G.A COLLEGE P.O, KOZHIKODE, PIN - 673014 BY ADV RAFFEEKH.K

RESPONDENTS: 1 AUTHORIZED OFFICER, M/S HDB FINANCIAL SERVICES LTD 2ND FLOOR, ABOVE AXIS BANK, NEAR IQRAA HOSPITAL, WAYANAD ROAD, P.O.MALAPARAMBA, KOZHIKODE, KERALA, PIN - 2 M/S HDB FINANCIAL SERVICES LTD

2. M/S HDB FINANCIAL SERVICES LTD REPRESENTED BY ITS

MANAGER RAMANATTUKARA BRANCH KOZHIKODE, KERALA, PIN - BY ADV P.PAULOCHAN ANTONY P THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of July, 2024 The present Writ Petition has been filed seeking the following prayers:

(i) Issue writ, order or direction in the nature of

> mandamus directing the respondents to release the original of the title deed of 1.42 cents of land in Re- Survey No.162/1, Feroke village, Kozhikode Taluk, Kozhikode district which was a security for the loan availed by the petitioners. (ii)Issue a writ of Mandamus or such other appropriate writ, directing the respondent bank to consider the Ext P4 representation to release the title deed of the property. (iii)Issue such other writ or order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.

2. The learned counsel for the petitioners submits that the petitioners had discharged the entire loan liability in respect of the loan account No.2979179.

3. During the pendency of this writ petition, the

petitioners have already filed S.A.No.120/2021, before approaching this Court. This Court finds no ground to keep this writ petition pending when the petitioners S.A. is pending before the Debts Recovery Tribunal-I, Kozhikode. It is open to the

petitioners to take all contentions, as may be available to him under the law before the DRT. The Debts Recovery Tribunal-I, is directed to consider and finally dispose of the pending S.A.No.120/2021 expeditiously, preferably within a period of six months. With the aforesaid direction, the present writ petition stands finally disposed of. Sd/- DINESH KUMAR SINGH JUDGE AP APPENDIX OF WP(C) 24377/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE ORDER IN CMP 5/2021 DATED 20.10.2021 BY THE CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE Exhibit P2 TRUE COPY OF THE BANK STATEMENT ISSUED BY THE RESPONDENT BANK ON 30.09.2021 EVIDENCING THE CLOSURE OF LOAN ACCOUNT NO.2979179 Exhibit P3 TRUE COPY OF THE BANK STATEMENT ISSUED BY THE RESPONDENT BANK ON 10.06.2022 SHOWING THE ACCOUNT CLOSURE OF LOAN ACCOUNT NO.2247564 Exhibit4 TRUE COPY OF THE REPRESENTATION DATED

13.06.2022 SUBMITTED BY THE 2ND PETITIONER TO THE BANK REQUESTING TO RELEASE THE ORIGINAL TITLE DEED OF THE PROPERTY OF 1.42 CENTS IN RE-SURVEY NO.162/1.

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