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Anilkumar, vs Authorized Officer/Area Manager, Kerala State Co-Operative Bank (Kerala Bank),

Anilkumar, vs Authorized Officer/Area Manager, Kerala State Co-Operative Bank (Kerala Bank),

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Court : Kerala Orders

Decided On : Jan-09-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/33456/2023

Appellant : Anilkumar,

Respondent : Authorized Officer/Area Manager, Kerala State Co-Operative Bank (Kerala Bank),

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945 WP(C) NO. 33456 OF 2023 PETITIONERS: 1 ANILKUMAR, AGED 48 YEARS, S/O SREEKUMARAN NAIR, THIRUVANANTHAPURAM, P IN - 695 124. 2 KRISHNAMMA, AGED 72 YEARS, D/O AMMUKUTTY AMMA, THIRUVANANTHAPURAM, PIN - 695 124. BY ADVS. R.T.PRADEEP P.BIJIMON M.BINDUDAS RESPONDENT: AUTHORIZED OFFICER/AREA MANAGER, KERALA STATE CO-

OPERATIVE BANK (KERALA BANK), REGIONAL OFFICE, EAST FORT.P.O., THIRUVANANTHAPURAM, PIN - 695 023. BY ADV THOMAS ABRAHAM THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

JUDGMENT

Dated this the 9th day of January, 2024 The petitioners, who are facing proceedings under the Securitisation Act at the instance of the respondent-Bank, approached this Court seeking the following reliefs:

(i) To issue a writ of certiorari or any other appropriate writ order or direction to call upon the records pertaining to Exts.P1, P2, P4 & P6 and quash the same and all proceedings pursuant to thereon.

(ii) To issue a writ of mandamus or any other appropriate writ order or direction to Respondent to refrain from proceeding in pursuance to Exts.P4 and P6.

(iii) Considering the exigencies and necessity for

urgent consideration of the grievance voiced in this Writ Petition, production of English translations of documents in vernacular, may kindly be dispensed with for the time being:

(iv) Such other reliefs which this Hon'ble Court may deem fit and proper in the interest of justice.

2. When this writ petition came up for hearing today,

the counsel for the petitioners submited that the respondent has already initiated ARC proceedings under Section 69 of :3: the Kerala Co-operative Societies Act, 1969 and the petitioners have received notice.

3. Counsel appearing for the petitioners submitted

that the petitioners may be permitted to withdraw the writ petition with liberty to defend the said ARC proceedings. In view of the request made on behalf of the petitioners, granting such liberty, the writ petition is dismissed as withdrawn. Sd/- N. NAGARESH JUDGE AMR

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