

Ismail P S vs Deputy General Manager (Authorised Officer)

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Court : Kerala

Decided On : Jul-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/2716/2022

Appellant : Ismail P S

Respondent : Deputy General Manager (Authorised Officer)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 14TH DAY OF JULY 2022 / 23RD ASHADHA, 1944
WP(C) NO. 2716 OF 2022 PETITIONERS: 1 ISMAIL P S AGED 65
YEARS S/O.SAIDUMUHAMMED, PALATHINKAL HOUSE, MARKET
P.O., 2 MUMTHAS P. ISMAIL AGED 30 YEARS W/O.ISMAIL P.S.,
PALATHINKAL HOUSE, MARKET P.O., BY ADV VINOY VARGHESE
KALLUMOOTTILL RESPONDENTS: 1 DEPUTY GENERAL MANAGER
(AUTHORISED OFFICER) NO.556, MUVATTUPUZHA - 686 661. 2 THE
MANAGER NO.556, KAVUMKARA BRANCH, MUVATTUPUZHA - 686
661. BY ADVS. SRI.SAJEEV KUMAR K., SC, MUVATTUPUZHA
URBAN CO- OPERATIVE BANK LIMITED SAJEEV KUMAR K.GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.2716/2022 2

JUDGMENT

When this matter is taken up for consideration today, the learned

counsel appearing for the petitioners states that the petitioners have complied with the interim order dated 27.1.2022 and the petitioners may be allowed to raise all their contentions, including the contention that the property in question is agricultural land, by approaching the Tribunal through an application under Section 17 of the Securitisation Act.

2. The learned counsel appearing for the respondent bank submits that the account cannot be regularized and the present liability is approximately Rs.71 lakhs.

3. Taking note of the submissions of either side as above, this writ petition will stand closed permitting the petitioners to approach the Debt Recovery Tribunal through an application under Section 17 of the Securitisation Act.

4. Taking note of the fact that the petitioners complied with the

interim order of this Court and have deposited sum of Rs.5 lakhs as directed, the period during which this writ petition was pending before this Court namely from 25.1.2022 till today (14.7.2022) shall stand excluded for the purpose of determining any period of limitation within which the petitioners had to approach the Tribunal with an application under Section 17 of the Securitisation Act. Further coercive steps against the petitioners

W.P.(C)No.2716/2022 3 shall be kept in abeyance for a period of two weeks to enable the petitioners to approach the Tribunal for appropriate reliefs, interim or final. I make it clear that I have not expressed any opinion on the merits of the matter and it will be open to the Tribunal to decide the matter in accordance with law.

Sd/- GOPINATH P. JUDGE acd W.P.(C)No.2716/2022 4 APPENDIX OF WP(C) 2716/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE PETITION FILED BY THE 1ST RESPONDENT BEFORE THE CJM ERNAKULAM I MC Exhibit P2 TRUE COPY OF TAX RECEIPT OF THE PROPERTY.

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