

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 27TH FEBRUARY 2009 / 8TH PHALGUNA 1930

WP(C).No. 5505 of 2009(G)

PETITIONER(S):

1. K.T.SAKEENA, W/O.A.V.MOHAMMADALI,
PROPRIETRIX, AVM TRADERS, VIRUTHIYIL HOUSE,
GOOLIKADAVU, AGALI 678 581.
2. A.V.MOHAMMADALI, S/O.ABOOBACKER,
VIRUTHIYIL HOUSE, GOOLIKADAVU,
AGALI 678 581.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.R.SREEHARI

RESPONDENT(S):

1. STATE BANK OF INDIA, AGALI BRANCH
MANNARGHAT TALUK, REPRESENTED BY THE
BRANCH MANAGER.
2. THE AUTHORISED OFFICER, STATE BANK OF
INDIA (CHIEF MANAGER, REGIONAL BUSINESS OFFICE,
PALAKKAD)

ADV. SRI.K.K.CHANDRAN PILLAI, SC FOR R1 & 2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/02/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

THOTTATHIL B RADHAKRISHNAN, J

.....
WP(C).NO. 5505 OF 2009

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DATED THIS THE 27TH DAY OF FEBRUARY, 2009

JUDGMENT

The petitioners challenge a measure taken under the SARFAESI Act. The plea of the petitioners is that such action is without jurisdiction and also that the petitioners could not be treated as chronic defaulters. It is further contended that the petitioners wanted to settle the entire transaction by selling a portion of the security property. The impugned measure has been taken by issuance of Ext.P2 on 30.1.2009. I deem it appropriate to leave the petitioners for their remedies under the SARFAESI Act, in particular, Section 17 before the Debt Recovery Tribunal.

Writ petition is hence dismissed without prejudice to such course.

THOTTATHIL B RADHAKRISHNAN,
JUDGE

lgk/28/2