

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**MONDAY, THE 31ST DAY OF MARCH 2014/10TH CHAITHRA, 1936**

**WP(C).No. 7074 of 2014 (Y)**  
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**PETITIONER(S):**  
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**KHALID, AGED 65 YEARS,  
S/O.ABDUL KHADER, PANAYIL HOUSE, VETTOOR.PO,  
VARKALA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT  
SRI.K.N.ABHILASH**

**RESPONDENT(S):**  
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**STATE BANK OF INDIA,  
REPRESENTED BY THE AUTHORISED OFFICER,  
STATE BANK OF INDIA, STRESSED ASSETS RECOVERY BRANCH,  
CHILD-WELFARE COMPLEX, LMS COMPOUND,  
TRIVANDRUM-695033.**

**BY SRI.N.RAJAGOPALAN NAIR, SC, SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31-03-2014, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**WP(C).No. 7074 of 2014 (Y)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1 COPY OF THE POSSESSION NOTICE DATED 13TH JULY 2011 ISSUED BY THE  
RESPONDENT**

**EXT.P2 COPY OF THE NOTICE DATED 20 JANUARY 2014 ISSUED BY THE ADVOCATE  
COMMISSIONER APPOINTED BY THE COURT OF THE CHIEF JUDICIAL  
MAGISTRATE OF THIRUVANANTHAPURAM.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**P.R. RAMACHANDRA MENON, J.**

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**W.P.(C)No. 7074 OF 2014**  
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**Dated this the 31<sup>st</sup> March, 2014**

**J U D G M E N T**

The petitioner has approached this Court with the following prayers:

*"i) call for the records leading to Exts.P1 and Pp2 and quash them issuing a writ in the nature of certiorari;*

*ii) issue a writ of mandamus, order or direction commanding the respondent to permit the petitioner to regularise the loan account;*

*iii) pass such other relief that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. "*

2. When the matter came up for consideration before this Court on 12.03.2014, the following interim order was passed:

*"The learned Counsel for the petitioner submits that the petitioner does not intend to dispute the liability and the prayer sought for is to grant just three months time to wipe off the entire liability. It is stated that the physical possession of the property is going to be taken over tomorrow. To test the*

*bonafides of the petitioner, the petitioner is directed to satisfy a sum of Rs.10 lakhs within ten days.*

*List the matter for further consideration thereafter. "*

3. Today, when the matter is taken up for consideration, it is conceded by the learned Counsel for the petitioner that the petitioner could not satisfy the condition. As such, this court does not find it as a fit case to call for interference invoking the discretionary jurisdiction of this Court under Article 226 of the Constitution of India. Interference is declined and the writ petition is dismissed without prejudice to the rights and liberties of the petitioner to pursue the statutory remedy in accordance with law.

**P.R.RAMACHANDRA MENON  
JUDGE**

*/k*