

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 13<sup>TH</sup> DAY OF JUNE 2024 / 23RD JYAISHTA, 1946

WP(C) NO. 39695 OF 2023

PETITIONER:

SREEKUMARI AMMA  
AGED 70 YEARS  
D/O. KALYANI AMMA, SREESHYLA, NELLICKAPPARA.P.O,  
KOKKATHODE, PATHANAMTHITTA DISTRICT, PIN - 689691  
BY ADV K.V.SREE VINAYAKAN

RESPONDENTS:

- 1 THE SPECIAL SALE OFFICER,  
FOR ARUVAPPULAM FARMERS' SERVICE CO-OPERATIVE BANK  
LTD, OFFICE OF ASSISTANT REGISTRAR OF CO-OPERATIVE  
SOCIETIES (GENERAL) KONNI, PATHANATHITTA DISTRICT,  
PIN - 689691
- 2 ARUVAPPULAM FARMERS' SERVICE CO-OPERATIVE BANK  
LTD NO PT 148  
ARUVAPPULAM, PATHANATHITTA DISTRICT- REPRESENTED BY  
ITS MANAGING DIRECTOR, PIN - 689691  
BY ADVS.  
SREEKUMAR C B  
SAGITH KUMAR V.(K/2137/2019)  
DEVAPRIYA S.(K/2928/2023)  
SMT.MABLE C.KURIAN - SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
13.06.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner has approached this Court seeking a direction to the 1<sup>st</sup> respondent to exclude 10 cents of land from the property offered by her as security, while proceeding to recover amounts as per Arbitration Award obtained by the 2<sup>nd</sup> respondent - Bank, asserting that the value of the remaining property would be sufficient to clear it off. She says that she has preferred Ext.P4 representation before the 1<sup>st</sup> respondent; and therefore, prays that Ext.P3 Sale Notice be set aside.

2. However, the learned Standing Counsel for the 2<sup>nd</sup> respondent - Bank - Sri.C.B.Sreekumar, submitted that the afore assertions are totally untrue and that the Sale Officer has acted correctly in having issued Ext.P3. He submitted that, however, since this Court had interdicted Ext.P3, the said officer will have to now issue a fresh notification, against which the petitioner can raise objections, if she is so interested. He concluded saying that, this writ petition is not maintainable because her nephew had earlier approached this Court through W.P(C)No.33809 of 2023, making certain other contentions, which is still pending.

3. I have no doubt that the afore submissions of the learned Standing Counsel carries weight because, a sale of the property

cannot be now done on the strength of Ext.P3. The Sale Officer will certainly have to issue a fresh notice; in which event if the petitioner has any grievance she can bring it to his notice at the appropriate time.

With the afore liberty being reserved to the petitioner, this writ petition is closed without any further orders.

**Sd/ -**

**DEVAN RAMACHANDRAN**  
**JUDGE**

**MC/13.6**

**APPENDIX OF WP(C) 39695/2023****PETITIONER EXHIBITS**

Exhibit P1	TRUE COPY OF THE COMPLAINT OF ARC NO. 88/2017 DATED 30-06-2015
Exhibit P2	TRUE COPY OF THE AWARD IN ARC NO. 88/2017 DATED 29-08-2017
Exhibit P3	THE TRUE COPY OF THE DEMAND NOTICE BEFORE ATTACHMENT ISSUED BY THE 1ST RESPONDENT DATED 29-11-2022
Exhibit P4	THE TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 21-11-2023 ALONG WITH POSTAL RECEIPT