



2024:KER:63776

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

WEDNESDAY, THE 21ST DAY OF AUGUST 2024 / 30TH SRAVANA, 1946

WP(C) NO. 29293 OF 2024

PETITIONERS:

- 1 LATHA A.,
AGED 46 YEARS
W/O. JAYAPRAKASH V., PADINJAREKARA,
ENNA PADAM P.O, PALAKKAD, PIN - 678622.**
- 2 JAYAPRAKASH V.,
AGED 48 YEARS
S/O. VELAYUDHASWAMI N, 20/290, ARAMANAKKALAM,
ELAPPULLY P.O, ELAPPULLY, PALAKKAD,
PIN - 678622.**

**BY ADVS.
SARATH M.S.
GOKUL DEVIS
ATHUL KRISHNA A.**

RESPONDENTS:

- 1 CANARA BANK,
IIT PALAKKAD BRANCH, AHALYA INTEGRATED CAMPUS,
KOZHIPPARA P.O., PALAKKAD, PIN - 678557.**
- 2 THE AUTHORIZED OFFICER,
REPRESENTED BY CANARA BANK, IIT PALAKKAD BRANCH,
PALAKKAD, PIN - 678557.**

SRI.M. GOPPIKRISHNAN NAMBIAR - SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



JUDGMENT

The present writ petition has been filed for the following reliefs:-

1. Issue a writ of mandamus or any other appropriate writ, order, or direction, staying the Exhibit P1 E-Auction Sale Notice dated 25-07-2024 issued by Respondent Bank under the SARFAESI Act.

2. Direct the Respondents to provide the Petitioners with a reasonable opportunity to settle the outstanding dues before proceeding with any auction.

3. To issue a writ of mandamus order or direction directing the respondents not to proceed with further action pursuant to Ext.P1 notice. and

4. Such other relief this Hon'ble court deems fit and proper to grant in the facts and circumstances of the case.

2. The petitioners have taken a housing loan for Rs.5 lakhs in the year 2016 by mortgaging their immovable property described as 5.01 cents with all other improvements thereon situated in Elappully 2 Village, Palakkad Taluk, Palakkad District.

3. The petitioners had committed default in making repayment of the loan in terms of the loan agreement and the Bank classified the loan account of the petitioners as NPA in the year 2019. The petitioners have not paid a single penny from 2019 till date. It is submitted that the outstanding amount is Rs.8,70,958/-. As the loan was recalled in the year 2019, there is no question of regularising the loan account and the petitioner is



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not in a position to pay the outstanding liability in 12 equal monthly installments.

In view thereof, this Court has no other option but to dismiss the writ petition. Therefore, this writ petition is dismissed leaving it open to the petitioners to work out their remedies, if any, as may be available to them under the law.

Sd/-

DINESH KUMAR SINGH
JUDGE

Sru



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APPENDIX OF WP(C) 29293/2024

PETITIONERS EXHIBITS: -

**Exhibit P1 A TRUE COPY OF THE E-AUCTION SALE NOTICE
ISSUED BY THE RESPONDENT BANK OF THE SARFAESI
ACT, DATED 25-07-2024.**

RESPONDENTS EXHIBITS: NIL.