

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

WEDNESDAY, THE 15TH DAY OF MAY, 2020/25TH VAISAKHA, 1942

W.P(C) NO. 9951 OF 2020

PETITIONER:

AYISSU T.V,
W/O. MANGALASSERY KUNHUMHAMMED, AGED 69 YRS,
MANGALASSERY HOUSE, ABDU RAHIMAN NAGAR P.O.,
TIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. MOHAMMED IQUABAL C. M.

RESPONDENTS:

1. STATE BANK OF INDIA,
REGIONAL BUSINESS OFFICE -1,
STATE BANK BHAVAN, KOZHIKODE 673001,
REPRESENTED BY THE CHIEF MANAGER.
2. THE MANAGER,
STATE BANK OF INDIA, COMMERCIAL BRANCH,
1ST FLOOR, JUBILEE BHAVAN, MINI BYE PASS ROAD,
ERANHIPALAM P.O., KOZHIKODE, PIN:-673 006
3. THE AUTHORIZED OFFICER,
STATE BANK OF INDIA, REGIONAL BUSINESS OFFICE -1,
STATE BANK BHAVAN, KOZHIKODE 673001.
4. MUBEENA BABU SHABEER, W/O BABU SHABEER,
MANGALASSERY HOUSE, SANTHI VAYAL, KOLAPPURAM
A.R. NAGAR P.O., MALAPPURAM, PIN:- 676 305
5. THE PROPRIETOR,
M/S. BINAFA ENTERPRISES,
PANDIKASALAKANDY HOUSE, DARUSALAM,
BEYPORE P.O., KOZHIKODE, PIN:- 673 015.

BY SRI.SYAMANTAK FOR R1 TO R3

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
15.05.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

Admit. Sri.Syamanthak, learned Standing Counsel accepts notice for respondents 1 to 3. Notice by speed post/e-mail to respondents 4 and 5. Learned Standing Counsel submits that the Bank has not yet filed any application under Section 14 of the SARFAESI Act for taking physical possession of the property in question. In that view of the matter, the learned Standing Counsel will file a statement/counter affidavit within a period of three weeks from today. Post after three weeks.

GOPINATH P., JUDGE*OKB*

APPENDIX

PETITIONERS EXHIBITS:

EXHIBIT P1: THE TRUE COPY OF THE CONSENT ISSUED BY THE 4TH RESPONDENT DATED 21.07.2016.

EXHIBIT P2: THE TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 3RD RESPONDENT DATED 13.01.2020

EXHIBIT P2: THE TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 19.03.2020