
(2023) 05 KL CK 0159

In the High Court Of Kerala

Case No : Writ Petition (C) No. 16091 Of 2023

P.M Muhammed Ali Babu

APPELLANT

Vs

Authorised Officer (Under The Sarfaesi Act), The South
Indian Bank Ltd

RESPONDENT

Date of Decision : 23-05-2023

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2023) 05 KL CK 0159

Hon'ble Judges : C.S Dias, J

Bench : Single Bench

Advocate : E.S.Ashraf, Sunil Shanker

Final Decision : Dismissed

Judgement

C.S Dias, J

1. The writ petition is filed to direct the first respondent to consider and dispose of Ext P2 representation submitted by the petitioner to provide him with one time settlement benefit scheme.
2. The petitioner's case is that, he is the Managing Director of a partnership concern, which had availed a cash credit facility from the second respondent. The Bank has proceeded against the petitioner in a hurried manner under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'Act'). The action of the Bank is unjustifiable and unreasonable. Hence the petitioner has filed Ext P2 representation to extend the one time settlement scheme . Thus, the writ petition.
3. Heard; Sri.Ashraf E.S, the learned counsel appearing for the petitioner and Sri.Sunil Shanker, the learned counsel appearing for the respondents.
4. Sri.Sunil Shanker submitted that the respondents have already considered and rejected Ext P2 representation. The respondents are not willing to extend the one

time settlement scheme to the petitioner. Hence, the writ petition may be dismissed.

4. The Hon'ble Supreme Court in *South Indian Bank Ltd vs. Naveen Mathew Philip* (2023 LiveLaw (SC) 320), after adverting to a myriad of earlier judicial pronouncements rendered under the Act, has categorically declared that High Courts shall not, unless in extra ordinary circumstances, interfere with proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in writ proceedings under Article 226 of the Constitution of India.

5. In the case on hand, considering the fact that the respondents have already decided Ext P2 representation, I do not find any extraordinary circumstance, warranting the exercise of the powers of this Court under Article 226 of the Constitution of India to interfere with Ext P1 proceedings. Nonetheless, it would be up to the petitioner to invoke statutory remedies under the Act.

Resultantly, the writ petition is dismissed, without prejudice to the right of the petitioner to work out his remedies, in accordance with law.