



2025:KER:16067

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 24TH DAY OF FEBRUARY 2025 / 5TH PHALGUNA, 1946

WP(C) NO. 7422 OF 2025

PETITIONERS:

- 1 A. SHIBUDEEN
 AGED 52 YEARS, S/O ABDUL LATHEEF,
 EDATHARA VEEDU, PPM P.O., PUNALUR,
 KOLLAM DISTRICT, PIN - 691332.

- 2 SHAMEENA SHIBUDEEN
 AGED 48 YEARS, W/O A. SHIBUDEEN,
 EDATHARA VEEDU, PPM P.O., PUNALUR,
 KOLLAM DISTRICT, PIN - 691332.

BY ADVS.
MANOJ RAMASWAMY
JOLIMA GEORGE
C.B.SABEELA
APARNA G.
MUHAMMED HAROON THAMEEM
NAMITHA BABU

RESPONDENTS:

- 1 THE AUTHORISED OFFICER/CHIEF MANAGER
 STATE BANK OF INDIA, REGIONAL BUSINESS OFFICE-II,
 KOTTARAKKARA, PIN - 691506.



2 THE MANAGER
STATE BANK OF INDIA, STRESSED ASSETS RECOVERY
BRANCH, LMS COMPOUND, OPP.MUSEUM WEST GATE,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM,
PIN - 695033.

3 THE BRANCH MANAGER
STATE BANK OF INDIA, PUNALUR BRANCH,
PUNALUR, KOLLAM DISTRICT, PIN - 691305.

BY ADV.SRI. JTHESH MENON, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.02.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



:3:

J U D G M E N T

Dated this the 24th day of February, 2025

The petitioners have approached this Court seeking the following reliefs:-

- i. A writ of mandamus or other appropriate writ, order or direction directing the respondent to consider Exhibit P4 proposal submitted by the petitioner.
- ii. A writ of mandamus or other appropriate writ, order or direction directing the respondent to keep in abeyance all further proceedings in connection with the possession and sale of the secured property as per Exhibit P3, till Exhibit P4 is considered by the respondent Bank.
- iii. Dispense with the filing of the translation of vernacular documents.
- iv. Any other further relief or order as this Hon'ble Court may deem fit and proper to meets the ends of justice.
- v. Award the cost of these proceedings.

2. Standing Counsel entered appearance and resisted the writ petition. The Standing Counsel pointed out that earlier the petitioners had approached this Court and this Court disposed of W.P.(C) No.38139 of 2024 as per Ext.P1 judgment,



directing the petitioners to deposit ₹69 lakhs and make a proposal for One Time Settlement for not less than ₹4.6 Crores, within two weeks. The petitioners did not pay ₹69 lakhs within the stipulated time. Though the petitioners have subsequently paid some amount, as the time frame given by this Court is not honoured by the petitioners, the petitioners will have to make further payments for consideration of any proposal for One Time Settlement.

3. I have heard the learned Counsel for the petitioners and the learned Standing Counsel representing the respondents.

4. Taking into consideration the fact that the petitioners have almost remitted the amount as directed by this Court though belatedly, I am of the view that if the petitioners make a further substantial payment, One Time Settlement proposal of the petitioners should be considered.



The writ petition is accordingly disposed of directing that if the petitioners deposit ₹25 lakhs and make a better proposal for One Time Settlement within three weeks, the respondents shall consider the same and take appropriate decision thereon in accordance with law. If the petitioners deposit ₹25 lakhs and make a proposal within three weeks, coercive proceedings, if any, against the petitioners shall stand deferred till the Bank take a decision on the OTS proposal.

Sd/-
N. NAGARESH
JUDGE

ams

W.P. (C) No. 7422 of 2025



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APPENDIX OF WP(C) 7422/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE JUDGMENT DATED 01.11.2024 IN W.P. (C) NO. 38139 OF 2024 OF THIS HON'BLE COURT
Exhibit P2	TRUE COPY OF THE LETTER VIDE NO. SARB/TVM/SAL/MS/2850/2024-25 DATED 21.01.2025 ISSUED BY THE RESPONDENT BANK
Exhibit P3	TRUE COPY OF THE NOTICE DATED 05.02.2025 ISSUED BY THE ADVOCATE COMMISSIONER
Exhibit P4	TRUE COPY OF THE REPRESENTATION DATED 19.02.2025 SUBMITTED BY THE 1ST PETITIONER