



2026:KER:43779

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

THURSDAY, THE 18<sup>TH</sup> DAY OF JUNE 2026 / 28TH JYAISHTA, 1948

WP (C) NO. 20603 OF 2026

PETITIONER:

YACOB V.H  
AGED 59 YEARS  
S/O. HYDROSE, VIRUTHIPARAMBIL HOUSE,  
SREEMOOLANAGARAM P.O., SREEMOOLANAGARAM,  
ERNAKULAM DISTRICT, PIN - 683580

BY ADVS.  
SRI.PAUL K.VARGHESE  
SMT.A.A.GEETHA

RESPONDENTS:

- 1 CANARA BANK  
REPRESENTED BY ITS BRANCH MANAGER,  
SREEMOOLANAGARAM BRANCH ALUVA,  
ERNAKULAM, PIN - 683101
- 2 THE AUTHORIZED OFFICER  
CANARA BANK, SREEMOOLANAGARAM BRANCH ALUVA,  
ERNAKULAM, PIN - 683101
- 3 ABBAS M.M  
S/O. MUHAMMED, MOOZHICKATHOTTATHIL HOUSE,  
SREEBHOTHAPURAM, SREEMOOLANAGARAM P.O.,  
ERNAKULAM, PIN - 683580



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- 4 K.S. MUHAMMED  
S/O. SEETHI, KUTTIKATTU HOUSE,  
EDAPPALLY P.O., EDAPPALLY,  
ERNAKULAM, PIN - 682024
- 5 SAJID V.Y  
S/O. YACOB V.H., VIRUTHIPARAMBIL HOUSE,  
SREEMOOLANAGARAM P.O., SREEMOOLANAGARAM,  
ERNAKULAM DISTRICT, PIN - 683580
- 6 BEENA YACOB  
W/O. YACOB V.H VIRUTHIPARAMBIL HOUSE,  
SREEMOOLANAGARAM P.O., SREEMOOLANAGARAM,  
ERNAKULAM DISTRICT, PIN - 683580
- 7 ANSHAD  
S/O. ASHRAF, ARUMBASSERY HOUSE,  
SREEBHOOOTHAPURAM, ALUVA,  
ERNAKULAM DISTRICT, PIN - 683580

BY SRI. JAWAHAR JOSE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 18.06.2026, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



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**P.V. BALAKRISHNAN, J.**

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**W.P.(C) No.20603 of 2026**

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Dated this the 18<sup>th</sup> day of June, 2026

**J U D G M E N T**

This writ petition is filed by the petitioner seeking the following reliefs:-

- i. Call for the records leading to Exts.P2 and P3 and quash the same and all proceedings there in by issuing a writ of certiorari or other appropriate writ, order or direction.
- ii. Issue a writ of mandamus or other appropriate writ, order, or direction commanding the respondents to bank to conduct a re- auction of the petitioner's property in accordance with law for a higher price by permitting the petitioner to participate, after complying with all the formalities of law within a time specified by this court.
- iii. Issue a writ of mandamus or other appropriate writ, order, or direction commanding the respondent's bank to issue copies of all the documents relating to the auction, including the sale certificate, to the petitioner forthwith."

2. Heard the learned counsel for the petitioner and the learned counsel for respondents 1 and 2.

3. Admittedly, the petitioner has an efficacious alternative remedy to challenge the sale proceedings before the DRT under Section 17 of the



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Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The Honourable Apex Court in a catena of decisions, including the decisions in **Phoenix ARC Pvt. Ltd. v. Vishwa Bharati Vidya Mandir and Others [2022 KHC OnLine 6040]**, **South Indian Bank Ltd. (M/s.) v. Naveen Mathew Philip [2023 KHC OnLine 6435]** and **PHR Invent Educational Society v. UCO Bank [2024 KHC OnLine 6208]**, has categorically held that writ petitions against SARFAESI proceedings must not be entertained since, the aggrieved persons have an alternative and efficacious remedy before the DRT.

In such circumstances, this writ petition is dismissed without prejudice to the contentions and right of the petitioner to avail the statutory remedy.

Sd/-

**P.V. BALAKRISHNAN, JUDGE**

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APPENDIX OF WP(C) NO. 20603 OF 2026

PETITIONER EXHIBITS

- EXHIBIT P1                    A TRUE COPY OF THE RELEVANT PAGES OF  
O.A. NO. 134/2024 ON THE FILE OF DRT,  
ERNAKULAM DATED 22.12.2023
- EXHIBIT P2                    A TRUE COPY OF THE NOTICE ISSUED BY THE  
AUTHORISED OFFICER, CANARA BANK, TO THE  
PETITIONER DATED 30.4.2026
- EXHIBIT P3                    A TRUE COPY OF THE LETTER ISSUED BY THE  
AUTHORISED OFFICER, CANARA BANK, ARM  
BRANCH, ERNAKULAM, TO THE PETITIONER  
DATED 3.6.2026