



2026:KER:45415

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

TUESDAY, THE 23RD DAY OF JUNE 2026 / 2ND ASHADHA, 1948

WP(C) NO. 21385 OF 2026

PETITIONERS:

- 1 M/S. GRIDS ENGINEERS AND CONTRACTORS
MMC/IX/456/A7, ATHIRA COMPLEX,
MUDAVOOR P.O, MUVATTUPUZHA,
ERNAKULAM
REPRESENTED BY ITS MANAGING PARTNER SHINE V.
RAJ., PIN - 686669

- 2 SHINE V. RAJ
AGED 46 YEARS
S/O. V.A. RAJAN, MANAGING PARTNER,
M/S. GRID ENGINEERS AND CONTRACTORS,
MMC/IX/456/A7, ATHIRA COMPLEX,
MUDAVOOR P.O, MUVATTUPUZHA,
ERNAKULAM, PIN - 686669

BY ADVS.
SRI.P.SANJAY
SMT.A.PARVATHI MENON
SRI.PAUL VARGHESE (PALLATH)
SRI.KIRAN NARAYANAN
SRI.RAHUL RAJ P.
SHRI.MUHAMMED BILAL.V.A
SMT.MEERA R. MENON
SMT.ZEBA MUJEEB

RESPONDENTS:

- 1 UNION BANK OF INDIA
REGIONAL OFFICE KOTTAYAM,
3RD FLOOR, AMALA TOWERS,



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**ADICHIRA JUNCTION, KOTTAYAM
REPRESENTED BY ITS CHIEF MANAGER AND AUTHORIZED
OFFICER,
PIN - 686630**

**2 THE BRANCH MANAGER
UNION BANK OF INDIA (E-ANDHRA BANK)
THODUPUZHA BRANCH, 1ST FLOOR,
VELLARINGAT TOWERS, BY PASS JUNCTION,
THODUPUZHA, IDUKKI DISTRICT,
PIN - 685584**

**BY ADVS.
SRI.ASP.KURUP
SRI.SADCHITH.P.KURUP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23.06.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



P.V. BALAKRISHNAN, J.

W.P.(C) No.21385 of 2026

Dated this the 23rd day of June, 2026

JUDGMENT

Heard the learned counsel for the petitioners on admission.

2. This writ petition is filed by the petitioners seeking the following reliefs:-

“i. Issue a writ of certiorari or any other appropriate writ, order or direction quashing/setting aside Ext.P17;

ii. Issue a writ of mandamus directing respondents 1 and 2 to forthwith deposit before the Debt Recovery Tribunal the amount of Rs.35,64,350/- forcibly extracted from the petitioner subject to final adjudication;

iii. Declare that the action of the 1st and 2nd respondent in extracting payments from petitioners prior to adjudication of claims is arbitrary and illegal;

iv. Declare that the restoration of proceedings in MC 797/2022 and continuation of the same is in violation of Section 14 of the SARFAESI Act and the action taken against petitioners including forcible receipt of payment



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is illegal;

v. Issue a writ of mandamus to the 1st respondent to conduct an enquiry into the conduct of the officers responsible for suppressing the orders and proceedings before this Hon'ble Court before the ACJM and extracting amounts from petitioner before adjudication and take appropriate action against them and report the same before this Hon'ble court within a time frame;

vi. Direct that the claim of petitioner is adjudicated and finalized by the Debt Recovery Tribunal within a time frame to be fixed by this Hon'ble court after deposit of the amount by respondents 1 and 2;

vii. Direct respondents 1 and 2 to make payment of Rs.25,00,000/- to petitioners towards compensation or such other sum that this Hon'ble Court may deem fit to be adequate compensation for forcible extraction of payment willfully ignoring the interim order of this Hon'ble Court."

3. Admittedly, the possession of the secured asset has been taken over by the respondents as per Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act', for short). The contention of the petitioners is that they were coerced to part with an exorbitant amount, by the Bank during this process and that



there is blatant misuse of provisions of law under the SARFAESI Act while taking possession of the secured asset.

4. The Hon'ble Apex Court in the decision in **Authorised Officer, Indian Overseas Bank and another v. M/s. Ashok Saw Mill (AIR 2009 SC 2420)**, has categorically held that the jurisdiction of the DRT under Section 17 of the SARFAESI Act is not confined merely to the stage of Section 13(4), but extends to actions taken by the secured creditor after the stage contemplated under Section 13(4) of the Act. Accordingly, even measures under Section 14, which are post Section 13(4) actions, will also fall within the ambit of Section 17. Similarly, the Apex Court in the decisions in **United Bank of India v. Satyawati Tondon and others (AIR 2010 SC 3413)** and **Kanaiyalal Lalchand Sachdev and others v. State of Maharashtra and others ((2011) 2 SCC 782)**, has also categorically held that an action under Section 14 of the Act constitutes an action taken after the stage of Section 13(4)



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and therefore, the same would fall within the ambit of Section 17(1) of the Act and that not only the borrower, but also the guarantor or any other person who may be affected by the action taken under Section 13(4) or Section 14, can take recourse to Section 17 of the SARFAESI Act. That apart, these decisions also advise that the High Courts must insist that, before availing the remedy under Article 226 of the Constitution of India, such persons must exhaust the efficacious alternative remedy available to them under Section 17 of the SARFAESI Act. In such circumstances, I am not inclined to entertain this writ petition at this stage.

Ergo, this writ petition is dismissed without prejudice to the contentions and right of the petitioners to avail the statutory remedy under the SARFAESI Act.

Sd/-

**P.V. BALAKRISHNAN
JUDGE**

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APPENDIX OF WP(C) NO. 21385 OF 2026

PETITIONERS' EXHIBITS

- Exhibit P1** A TRUE COPY OF THE NOTICE SENT BY THE 1ST RESPONDENT DATED 19-08-2021
- Exhibit P2** A TRUE COPY OF THE REPLY SENT BY THE 1ST PETITIONER TO THE RESPONDENTS DATED 27-12-2021
- Exhibit P3** A TRUE COPY OF THE COMMUNICATION SENT BY THE 1ST RESPONDENT TO THE 1ST PETITIONER DATED 10-01-2022
- Exhibit P4** A TRUE COPY OF THE ADDITIONAL REPLY DATED 21-01-2022 OF THE 1ST PETITIONER TO THE 1ST RESPONDENT
- Exhibit P5** A TRUE COPY OF M.C. NO.797/2022 FILED BY THE BANK BEFORE THE ACJM
- Exhibit P6** A TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE 1ST RESPONDENT AS AGAINST THE PETITIONER PROPERTY DATED 20-05-2022
- Exhibit P7** A TRUE COPY OF THE POSSESSION NOTICE ISSUED BY THE 1ST RESPONDENT-UNION BANK OF INDIA DATED 20-05-2022
- Exhibit P8** A TRUE COPY OF THE REPLY SENT BY THE 1ST PETITIONER TO THE 1ST RESPONDENT DATED 21-05-2022
- Exhibit P9** A TRUE COPY OF THE COMMUNICATIONS DATED 19-07-2022 SENT BY THE 1ST PETITIONER TO THE 1ST RESPONDENT
- Exhibit P10** A TRUE COPY OF THE AUCTION NOTICE DATED 18-07-2022 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER
- Exhibit P11** A TRUE COPY OF THE NOTICE DATED 18-04-2024 ISSUED BY THE ADVOCATE COMMISSIONER
- Exhibit P12** A TRUE COPY OF THE JUDGMENT IN WP (C) NO. 18030/2024 DATED 24-06-2024 OF THE HIGH COURT OF KERALA



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- Exhibit P13** A TRUE COPY OF THE ORDER DATED 18-03-2025 IN RP NO. 157/2025 BY THE HIGH COURT OF KERALA
- Exhibit P14** A TRUE COPY OF THE ORDER DATED 19-04-2025 OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM (SPECIAL COURT FOR TRIAL OF CRIMINAL CASES AGAINST MPS /MLAS.) IN MC. NO. 797/2022
- Exhibit P15** A TRUE COPY OF THE MEMORANDUM OF ADDITIONAL WRITTEN STATEMENT WITH COUNTER CLAIM SUBMITTED BY THE PETITIONERS HEREIN AS DEFENDANTS IN OA NO. 82/2022 DATED 13-05-2025 ON THE FILE OF DEBT RECOVERY TRIBUNAL-II, ERNAKULAM
- Exhibit P16** TRUE COPY OF CMP NO. 2430/2025 FILED BEFORE THE LEARNED ACJM
- Exhibit P17** A TRUE COPY OF THE ORDER DATED 21-06-2025 IN CMP NO. 2430/2025 IN MC NO. 797/2022 ON THE FILES OF THE LEARNED ACJM
- Exhibit P18** TRUE COPY OF THE ORDER DATED 18.07.2025 IN W.P. 26067/2025
- Exhibit P19** A TRUE COPY OF THE JUDGEMENT DATED 11.08.2025 IN W.A. NO. 1802/2025
- Exhibit P20** TRUE COPY OF THE ORDER DATED 18.08.2025 IN W.P. 26067/2025
- Exhibit P21** A TRUE COPY OF THE JUDGEMENT DATED 09.09.2025 IN W.A. NO. 2076/2025
- Exhibit P22** A TRUE COPY OF THE CASE STATUS AS SHOWN ON THE WEBSITE OF THIS HON'BLE COURT
- Exhibit P23** TRUE COPY OF THE WRIT APPEAL FILED AS W.A. NO.2362/2025 WITHOUT EXHIBITS DATED 29.09.2025
- Exhibit P24** A TRUE COPY OF CMP NO. 3713/2025 DATED 27.8.2025 IN MC NO. 797/2022
- Exhibit P25** A TRUE COPY OF CMP NO. 4621/2025 IN MC



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	NO. 797/2022 DATED 04.11.2025
Exhibit P26	A TRUE COPY OF I.A. NO.4/2025 IN W.P. NO.26067/2025 DATED 22.10.2025
Exhibit P27	A TRUE COPY OF THE ORDER DATED 10.11.2025 IN W.A. NO.2362/2025
Exhibit P28	TRUE COPY OF THE LETTER DATED 27.11.2025 ADDRESSED TO THE 2ND RESPONDENT BY THE PETITIONER
Exhibit P29	TRUE COPY OF THE COURT PROCEEDINGS IN MC 797/2022 TAKEN FROM THE DCMS
Exhibit P30	A TRUE COPY OF THE RTI REQUEST MADE BY THE 1ST PETITIONER AND THE REPLY DATED 26.01.2026
Exhibit P31	TRUE COPY OF THE ORDER DATED 26.02.2026 IN W.A 2362/2025
Exhibit P32	TRUE COPY OF THE JUDGMENT WPC 26067/2025 DATED 01.04.2026 IN THE WRIT PETITION