

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 23RD DAY OF SEPTEMBER 2022 / 1ST ASWINA, 1944

WP(C) NO. 30118 OF 2022

PETITIONER:

RAJALAKSHMI
AGED 47 YEARS
D/O INDIRA
MADHAVAN, RESIDING AT HOUSE NO: KP XI/515,
MULLASSERIL VEEDU, ULAKODU, KAREEPRA GRAMA
PANCHAYATH, KOTTARAKKARA, KOLLAM DISTRICT , PIN -
691509

BY ADV A.JANI (KOLLAM)

RESPONDENTS :

- 1 KERALA HOUSING FINANCE LIMITED
1ST FLOOR, VANIYAPURACKAL BUILDING, BRANCH OFFICE,
KOLLAM REPRESENTED BY ITS BRANCH MANAGER, PIN 691 001 ,
PIN - 691001
- 2 THE KERALA HOUSING FINANCE LTD,
HEAD OFFICE,
2 ND FLOOR, PAN AFRICA PLAZA, M.G ROAD, NEAR
PULLIMOODU JUNCTION, THIRUVANANTHARAPUM
REPRESENTED BY ITS MANAGING DIRECTOR,, PIN - 695011
- 3 UNNIKRISHNAN NAIR
S/O
GOVINDA PILLAI, RESIDING AT MULLASSERIL VEETIL,
ADOOR TALUK, CHOORAKKODU P.O,
PATHANAMTHITTA DISTRICT PIN 691 551, PIN - 691551
- 4 THE NATIONAL HOUSING BANK
CORE-5-A, 4 TH
FLOOR, INDIA HABITAT CENTRE, LODHI ROAD, NEW

- DELHI 110003 REPRESENTED BY ITS CHAIRMAN., PIN - 110003
- 5 THE SECURITIES AND EXCHANGE BOARD OF INDIA
SOUTHERN REGION, OVERSEAS TOWERS, 7 TH FLOOR,
ANNA SALAI, CHENNAI, TAMIL NADU STATE, PIN
600002 REPRESENTED BY ITS GENERAL MANAGER., PIN -
600002
- 6 THE RECOVERY OFFICER AND DEPUTY GENERAL MANAGER,
THE SECURITIES AND EXCHANGE
BOARD OF INDIA, SOUTHERN REGION, OVERSEAS
TOWERS, 7 TH FLOOR, ANNA SALAI, CHENNAI, TAMIL
NADU STATE, PIN 600002, PIN - 600002
- 7 QUIKR REALITY LTD
A PRIVATE LTD COMPANY
HAVING REGISTERED OFFICE AT 1 ST FLOOR, PLOT NO
46/47. JERBAI WADIA ROAD, BHOIWADA PAREL
MUMBAI MUMBAI CITY - 400012 REPRESENTED
BY ITS MANAGING DIRECTOR, PIN - 400012
BY ADV K.M.JAMALUDHEEN

OTHER PRESENT:

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DSGI S.MANU

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23.09.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

V.G.ARUN J.

W.P.(C) No.30118 of 2022

Dated this the 23rd day of September 2022

JUDGMENT

The thrust of argument advanced by the learned counsel for the petitioner is that, even after execution of Ext.P5 sale deed in favour of the third respondent, possession of the property continued with the petitioner and therefore, in spite of the orders passed against the third respondent by the statutory authorities including SEBI, the petitioner should not be dispossessed, except in accordance with law.

2. Learned Standing Counsel for SEBI points out that those contentions were considered earlier and while replying to the petitioner's representation. It is pointed out that the reply was sent to the petitioner's address at which she claimed to be residing, but the same was returned unserved.

3. Having heard the learned counsel on either side, I find the submission made on behalf of the SEBI well founded. If the petitioner has a case that the sale deed executed was a sham document and there was an understanding with the third respondent for returning the property to the petitioner, for which an agreement had also been

entered into, it is for the petitioner to approach the competent court/authority, if the agreement has been violated. In as much as the property stands in the name of the fourth respondent, this court cannot interfere with the proceedings, based on a third party's contention that the property continues to be in her name. Such contention ought to be proved by tendering evidence either before the competent Civil Court or other legal forum, if any.

The writ petition is accordingly dismissed, without prejudice to the petitioner's right to seek appropriate legal remedies.

Sd/-

V.G.ARUN

Judge

dpk

APPENDIX OF WP(C) 30118/2022

PETITIONER EXHIBITS

- Exhibit P1 . A TRUE COPY OF THE PAPER PUBLICATION
MALAYALAM MANORAMA DAILY DATED 10/01/2022
- Exhibit P2 . A TRUE COPY OF THE RESIDENTIAL / OWNERSHIP
CERTIFICATE DATED 03/01/2022 ISSUED BY THE
SECRETARY, KAREEPRA GRAMA PANCHAYAT
- Exhibit P3 A TRUE COPY OF SALE DEED NO: 981 DATED
10/04/1995 OF THE EZHUKONE S.R.O
- Exhibit P4 A TRUE COPY OF THE RECOVERY NOTICE DATED
02/11/2002 ISSUED BY THE SECOND RESPONDENT TO
THE HUSBAND OF THE WRIT PETITIONER
- Exhibit P5 A TRUE COPY OF SALE DEED NO: 1956 DATED
06/07/2010 OF EZHUKONE S.R.O FAVORING MR.
UNNIKRISHNAN NAIR, 3RD RESPONDENT
- Exhibit P6 A TRUE COPY OF THE SAID SALE DEED PREPARED ON
06/09/2019 BEFORE THE EZHOKONE S.R.O
- Exhibit P7 A TRUE COPY OF REPRESENTATION SUBMITTED BY
THE PETITIONER BEFORE RESPONDENTS 5 AND 6 ON
18/01/2022
- Exhibit P8 A TRUE COPY OF JUDGEMENT IN WPC NO 2834/2022
DATED 31/01/2022 BEFORE THIS HON'BLE COURT
- Exhibit P9 A TRUE COPY OF E- AUCTION NOTICE PUBLISHED IN
KERALA KOUMUDI