



2026:KER:43502

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

WEDNESDAY, THE 17TH DAY OF JUNE 2026 / 27TH JYAISHTA, 1948

WP(C) NO. 47474 OF 2025

PETITIONER:

**THE FEDERAL BANK LIMITED,
LOAN COLLECTION AND RECOVERY DEPARTMENT (LCRD),
THIRUVANANTHAPURAM DIVISION,
4TH FLOOR, FEDERAL TOWER, STATUE, THIRUVANANTHAPURAM,
REPRESENTED BY ITS ASSISTANT VICE PRESIDENT &
DIVISIONAL HEAD/AUTHORIZED OFFICER,
PIN - 965001**

**BY ADVS.
SHRI.M.JITHESH MENON
SHRI.P.G.MAHESHKUMAR
SMT.ARSHIA ANN JOY**

RESPONDENT :

**THE DIRECTORATE OF ENFORCEMENT,
ENFORCEMENT DEPARTMENT, GOVERNMENT OF INDIA,
ERNAKULAM, COCHIN,
REPRESENTED BY THE DEPUTY DIRECTOR,
PIN - 682011**

**BY ADVS.
SHRI.JAISHANKAR V.NAIR, CGC
SHRI.M.KANNAN, SR.GP.
SMT.CRISTY THERASA SURESH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 17.06.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



JUDGMENT

Dated this the 17th day of June, 2026

Petitioner is a Banking Company within the meaning of the Indian Companies Act. The petitioner had sanctioned a Housing Loan for a sum of Rs.22 lakhs, to one Saji Basheer for the purchase of an immovable property. As collateral security, the afore property was mortgaged by said Saji Basheer to the petitioner. When Saji Basheer committed default, the petitioner proceeded under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act' for short) and took possession of the property on 22.12.2023. Thereafter, for the purpose of sale, the petitioner took an Encumbrance Certificate of the property and it came to know that there is a provisional attachment in the property as per the orders of the respondent. Thereafter, the petitioner also



understood that a final attachment order has been passed in the said case. It is the case of the petitioner that the attachment made at the instance of the respondent stands in the way of the sale of the secured asset by the petitioner under the SARFAESI Act. It is in such circumstances, the petitioner filed this writ petition seeking the following relief:-

“Call for the records relating to Exhibit P5 Encumbrance Certificate and quash/set aside the attachment made at the instance of the respondent on 11.04.2023.”

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. The learned counsel for the petitioner reiterated the contentions in the writ petition and prayed that the attachment effected at the instance of the respondent may be set aside.

4. On the other hand, the learned counsel appearing for the respondent submitted that the provisional attachment made at the instance of the



respondent, has been confirmed by the Adjudicating Authority and therefore, the remedy available to the petitioner is to approach the Special Court for PMLA Cases, Ernakulam and seek appropriate relief under Section 8(7) of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as 'the PML Act', for short).

5. On an anxious consideration of the rival submissions and the materials on record, I find considerable force in the submissions made by the learned counsel for the respondent. Admittedly, the attachment effected by the respondent, has been confirmed by the Adjudicating Authority under Section 8(3) of the PML Act and now the trial of the case under this Act is pending before the Special Court for PMLA cases, Ernakulam. Therefore, I am of the view that the remedy of the petitioner is to approach the Special Court for PMLA cases under Section 8(7) of the PML Act and seek lifting of attachment.



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Ergo, this writ petition is dismissed without prejudice to the contentions and right of the petitioner to approach the Special Court for PMLA cases, under Section 8(7) of the PML Act.

**Sd/-
P. V. BALAKRISHNAN
JUDGE**

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APPENDIX OF WP(C) NO. 47474 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE FEDERAL HOUSING SCHEME AGREEMENT DATED 10.02.2010
- Exhibit P2 TRUE COPY OF THE LETTER ISSUED BY SRI. SAJI BASHEER DATED 29.04.2010
- Exhibit P3 TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 13(2) OF THE SARFAESI ACT TO SAJI BASHEER DATED 04.01.2021
- Exhibit P4 TRUE COPY OF THE POSSESSION NOTICE DATED 29-03-2021
- Exhibit P5 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE OBTAINED BY THE PETITIONER DATED 24.01.2024
- Exhibit P6 TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE RESPONDENT DATED 15.07.2025
- Exhibit P7 TRUE COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING THE RECEIPT OF EXHIBIT P6

RESPONDENT EXHIBITS

- Exhibit R1(a) A true copy of the PAO No. 01/2023 dated 31.03.2023 issued by the respondent in exercise of powers conferred under subsection (1) of section 5 of the PMLA read with Rule 3 of the Prevention of Money Laundering (Issuance of Provisional Attachment Order) Rules 2013