



WEB COPY



W.P.No.9279 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.9279 of 2024
and W.M.P.No.10302 of 2024

Raj David
S/o.Late.C.K.Subburathinam,
No.277, Dr.Radhakrishna Road,
Tatabad, Coimbatore-641 012.

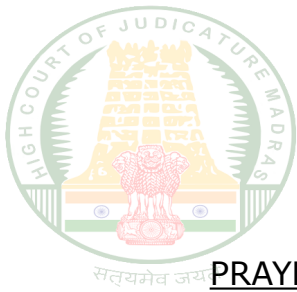
Petitioner

Vs

1.The Authorized Officer
M/s.Cholamandalam Investment
and Finance Company Ltd.,
Having Office at Dare House,
No.2, NSC Bose Road, Parrys,
Chennai-600 001.

2.J.Sivakumar
S/o.Jagadheesan,
B-16,GRG Nagar, Kalapatty,
Coimbatore-641 014.

Respondents



W.P.No.9279 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the 1st respondent from proceeding with petitioner's property situated at Flat No.A-16, with super builtup area of 808 Sq.Ft., in the 1st Floor in 'Lacasa Apartment', GRG Nagar, Kalapatty, Coimbatore-641 014 having UDS of 452.6 Sq.Ft., of UDS out of 66 ½ cents of land comprised in SF No.433/1B, Kalapatty Village, Coimbatore District under the SARFAESI Act for the loan borrowed by the 2nd respondent under loan account No.X0HECOI00001547811 and H0HECOI00001988460.

For Petitioner: Mr.A.E.Ravichandran

For Respondents: Mr.A.Harshavardhan
for R1

R2 - No Appearance

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition under Article 226 of the Constitution of India has been filed seeking the following relief:

"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction, in particular issue a Writ of Mandamus, forbearing the 1st respondent from proceeding with petitioner's property situated at Flat No.A-16, with super builtup area of 808 Sq. Ft., in the 1st Floor in 'Lacasa



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Apartment', GRG Nagar, Kalapatty, Coimbatore-641 014, having UDS of 452.6 Sq.Ft., of UDS out of 66 ½ cents of land comprised in SF No.433/1B, Kalapatty Village, Coimbatore District under the SARFAESI Act for the loan borrowed by the 2nd respondent under loan account No.X0HECOI00001547811 and H0HECOI00001988460 and pass such other or further orders as this Hon'ble Court may deem fit and proper considering the facts and circumstances of the case and thus render justice."

2. Learned counsel for respondent No.1 informs that order under Section 14 of the SARFAESI Act has already been passed and the said order is neither challenged in the writ petition nor before the Debts Recovery Tribunal. He pointed out that this Court, vide order dated 5.4.2024, restrained the first respondent not to take any action pursuant to the order passed under Section 14 of the SARFAESI Act.

3. According to us, the writ petition is not maintainable, as the petitioner has efficacious alternative remedy.

4. At this juncture, learned counsel for the petitioner seeks to withdraw the writ petition with liberty to approach the Debts Recovery Tribunal in accordance with law.



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5. Considering the fact that the interim order was in force for the last two years, we grant liberty to the petitioner to approach the Debts Recovery Tribunal within a period of two weeks from today. Till then, the interim order granted earlier shall continue.

6. The writ petition is dismissed as withdrawn with the aforesaid liberty. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
13.07.2026

Index : Yes/No
Neutral Citation : Yes/No
bbr

To:

The Authorized Officer
M/s.Cholamandalam Investment
and Finance Company Ltd.,
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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