



WP No.33246 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

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Encore Asset Reconstruction Company Limited
Having Office at, 101, Executive Zone, 766
Ground Floor, Anna Salai, Chennai -600 002 By
its Manager, Mr.K. Nagendran Petitioner

Vs

1. State Rep By District Magistrate Cum
District Collector, Kancheepuram District,
- 2.Thasildar
Maduranthagam Taluk, Chengalpattu, District.
- 3.The Inspector of Police
Maduranthagam Police Station,
Chengalpattu District.
- 4.Ansar Enterprises
By its Proprietor Abdul Samad, No.126 Hospital
Road, Maduranthagam, Chengalpattu District.
- 5.N.Abdul Samad,
13/29, Rayan Ramanujam Iyankar Street,
Maduranthagam -603 306,
Chengalpattu District.



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6.Karur Vysya Bank Limited
Asset Recovery Branch, Gopalapuram,
Chennai-86

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1 and 2 Respondents to implement orders of the 1st Respondent in RC No.16060/2017/M3 dated 29.11.2019 SARFASE Act within a time frame.

For Petitioner Mrs.S.R.Sumathy

For Respondents Mr.K.Maheshwaran
Addl Govt Pleader, for RR1,2

Ms.T.P.Savitha
for RR 4,5

Mr.N.Palanivel
Govt Advocate (Crl side) for R3

ORDER

(Order of the Court was made by G.Arul Murugan, J.)

This writ petition is filed seeking a direction to respondents 1 and 2 to implement the orders of the first respondent dated 29.11.2019 passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (for short, 'the Act').



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2. Learned counsel for the petitioner submitted that though order under Section 14 of the Act was passed as early as in the year 2019, still, the authorities have not executed the order, thereby the secured creditor is not able to secure possession of the property.

3. Learned counsel appearing for respondents 4 and 5 submitted that the borrower had filed a writ petition in WP No.27512 of 2024 before this Court, which came to be disposed of by this Court by order dated 05.03.2025, and thereafter, they have challenged order passed under Section 14 of the Act before the Debts Recovery Tribunal in SA No.519 of 2024, and the same is pending. Learned counsel further submitted that the borrower has already initiated steps for settlement with the bank, and when the securitisation appeal is pending, the present writ petition is not sustainable.

4. Learned counsel for the first respondent submitted that already the borrower has approached this Court and this Court has disposed of the said writ petition. Therefore, the present writ petition is not sustainable.



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5. It is not in dispute that the order passed by the first respondent under Section 14 of the Act is assailed by the respondents 4 and 5 before the Debts Recovery Tribunal in SA No.519 of 2024, which is admittedly pending till date. Further, from the records it is seen that the petitioner has already approached this Court in WP No.1264 of 2024 seeking similar relief, which was disposed of on 22.01.2024, based on the statement made by the Government Advocate that the order would be implemented.

6. In view of the fact that order passed under Section 14 of the Act is pending consideration before the DRT in SA No.519 of 2024, it is open to the petitioner to approach the DRT to redress its grievance. The writ petition stands disposed of. There will be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)
20.08.2026

Index : Yes/No
Neutral Citation : Yes/No
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To

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2.The Thasildar
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3.The Inspector of Police
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