



WP No.13320 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.13320 of 2025

and

WMP No.36026, 14895 and 14897 of 2025

K.Easwaramoorthy

.. Petitioner

-VS-

The Canara Bank
SME Branch,
27, Jawans Bhavan, I Floor,
T.B.Road, Coimbatore 641 018.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent bank to consider the petitioner's request in a fair and reasonable manner by accepting a total payment of Rs.63,00,000/- (inclusive of Rs.15,50,000/- already paid) towards full and final settlement of the loan a/c of the petitioner which is subject matter of issuance of Section 13(2) notice dated 04.04.2022 and close the loan account and hand over the original property documents of the mortgaged property to the petitioner.

For Petitioner : Ms.Rachel Epsy

For Respondent : Mr.T.S.Lavanesh

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Page 1 of 4



WP No.13320 of 2025

ORDER

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

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This writ petition is filed seeking for a direction to the respondent bank to accept the total payment of Rs.63 lakhs and close the loan account and return the original documents of the mortgaged property to the petitioner.

2. It is the case of the petitioner that he is the partner of a partnership firm, namely M/s.Easswar Mills, which has availed financial assistance from the respondent bank. Since there was a default in repayment of the dues, the bank declared the account as Non-performing Asset and proceedings were initiated under the SARFAESI Act. Demand notice under Section 13(2) of the SARFAESI Act came to be issued on 04.04.2022 followed by issuance of possession notice under Section 13(4) on 16.06.2022. At this juncture, the petitioner has come out with the present writ petition without challenging the notice issued under Section 13(4) of the Act and seeks the relief to receive the payments made to settle the loan account.

3. Learned counsel for the respondent bank submitted that pursuant to the possession notice under Section 13(4) of the Act, the



WP No.13320 of 2025

bank has issued sale notice, in which sale has already been conducted and the property was sold in favour of the successful bidder. The petitioner/borrower had also challenged the sale notice before the Debts Recovery Tribunal, Coimbatore under Section 17 of the SARFAESI Act in S.A.No.169 of 2025.

4. When already the property has been brought for sale and also sold in favour of the successful bidder and the petitioner had admittedly challenged the sale under Section 17 of the SARFAESI Act, before the Debts Recovery Tribunal, Coimbatore, in S.A.No.169 of 2025, the present relief sought for by the petitioner is not maintainable. It is only open to the petitioner to adjudicate all his grievances in the pending SA.

With the aforesaid, the writ petition is dismissed. There shall be no order as to costs. Consequently, the interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN, J.)
21.07.2026

Index : Yes/No

Neutral Citation : Yes/No

sra

Page 3 of 4



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WP No.13320 of 2025

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN, J.

(sra)

To

The Canara Bank
SME Branch,
27, Jawans Bhavan, I Floor,
T.B.Road, Coimbatore 641 018.

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