

WP(MD)No.11809 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2026

CORAM

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR JUSTICE R.SAKTHIVEL**

WP(MD) No.11809 of 2026 and WMP(MD) No.8960 of 2026

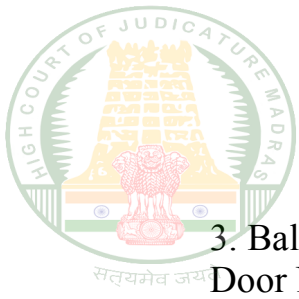
1. Chellammal S W/o Late. Shanmugasundaram
No.2/335, Satharankottai,
Sembanur, Sivagangai District-630 562

... Petitioner(s) in WP(MD). 11809/ 2026

- Vs. -

1. M/s. Smfg India Credit Company Limited,
Registered Office at Commerzone It Park,
Tower B 1s Floor, No.111, Mount Poonamallee Road, Porur, Chennai-600
116 And its Corporate office at 10th floor, No.101,102 & 103
2nd North Avenue, Maker Maxity Bandr Kurla Complex,
Bandra (E), Mumbai 400 051
represented by its Authorized Officer P.Muthukumar

2. Thamizhvani, W/o Mr. S. Balasubramanian,
Door No.91, Viveganantha Street,
Sambakulam, K. Pudur,
Haridas Honda Back Side, Madurai-625 007
Old S.No.251/3 Patta No.533 Sembanur village,
Kalayarkoil Taluk, Manamadurai SRO
Sivagangai Road, Sivagangai



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3. Balasubramanian, S/o Shanmugasundaram,
Door No.91, Viveganantha Street, Sambakulam,
K. Pudur, Haridas Honda Back Side,
Madurai-625 007.

Old S.No.251/3 Patta No.533 Sembanur village,
Kalayarkoil Taluk, Manamadurai SRO
Sivagangai Road, Sivagangai

4. A. Libiyarose, Enrolment No. Ms. 4565/2019,
Cell No.9159447652, Advocate-Commissioner,
Sivagangai Bar Association,
Sivagangai.

5. Shanthi,

Village Administrative Officer,
Sembanur Group,
Kalayarkoil Taluk,
Sivagangai District.

... Respondent(s) in WP(MD). 11809/ 2026

Prayer in WP(MD). 11809/ 2026 :Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the records of the delivery proceedings and to Quash the entire delivery proceedings taken by 4th Respondent in the exercise of execution of the order dated 15.10.2025 of the Chief Judicial Magistrate, Sivagangai in Cr.M.P. No.1689 of 2025 and also directing the 4th Respondent and 1st Respondent-Secured Creditor, to re-deliver the house bearing Door No.2/335 in Survey No.274/4 which was wrongly delivered to the 1st Respondent-Secured Creditor to the petitioner and with



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an appropriate direction to pay compensation to the victim in accordance with law.

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For Petitioner : Mr.K.S.Sreenivasan
For Respondents : Mr.M.P.Senthil for R5
Counsel for State
Mr.Balasubramanian for R1
Ms.C.Geetha for R4
No appearance for R2 and R3
R4 and R5 present

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

The matter had engaged our attention on the previous hearing dated 15.07.2026, on a complaint made by the petitioner a senior Citizen of quite advanced age that while property, which is a vacant land in S.o.251/3A, which was old S.No.251/3 in Patta No.956 at Sembanur Village, Kalayarkoil Taluk, Sivagangai District, had been mortgaged to the first respondent consequent to the loan being advanced to the 2nd and 3rd respondents, while executing a warrant for possession issued by the Chief Judicial Magistrate at Sivagangai, the warrant was executed with respect to her house at S.No. 274/4B and she was dispossessed from possession.



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2. After hearing the facts, we had directed that the possession of the house should be handed over to the petitioner herein and had also directed the Advocate Commissioner, who had been appointed by the Chief Judicial Magistrate at Sivagangai District and the Village Administrative Officer to ensure that the petitioner is put back in possession.

3. A report is today filed stating that the lock and seal of the house was broken and the petitioner had been granted possession of the house, which we again reiterate at S.No.274/4B.

4. The learned counsel for the 1st respondent appearing through Video Conferencing and raised a strong protest stating that the land in S.No. 251/3A had been mortgaged to the first respondent, after lawful process owing to loan advanced to the 2nd and 3rd respondents, who are none other than the daughter-in-law and son of the petitioner herein. It had been stated that when possession was taken, the Village Administrative Officer is duty bound to ensure that the correct property is taken possession and it was stated that blame cannot be put against the first respondent by whatever is complained by the writ petitioner. We will let the matters rest at it. The writ



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petitioner now had been put in possession of her property, however, we also have a duty to ensure that the first respondent is also granted possession of the property, which had been mortgaged, when loan had been advanced to the 2nd and 3rd respondents. That property is vacant land in S.No.251/3a with boundaries, which is bounded on the east by the house of Pugazheeswaran and others in S.No.251/3b; on the west by the house of Ramanuja Iyer and others in S.No.251/2; on the north in Arasu Poramboke Road in S.No.251/1, 7 and on the south by the house of Jeyachitra and Saraswathi in S.No.251/4a, 4b. This property has to be attached and we would direct the representative of the first respondent (P.Muthukumar, Senior Manager of the first respondent) to be present at the site along with the Village Administrative Officer and the Advocate Commissioner, who is to identify the said property and execute a warrant as directed by the Chief Judicial Magistrate, Sivagangai and file a separate report before the said Court of discharge of the warrant.

5. The said act of taking possession and handing over to the first respondent is to be completed on or before 30.07.2026. The Advocate Commissioner may issue notice to the first respondent to be present at the



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time when the warrant is executed.

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6. Since the petitioner had been put back in possession, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

(C.V.K.,J.) (R.S.V,J.)
21.07.2026

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**C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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