

WP(MD)No.18868 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.07.2026

CORAM

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

W.P.(MD)No.18868 of 2026
and WMP(MD) Nos.13958 and 13959 of 2026

1. Rathinavel S/o.Arumugam Pillai,
2/10(1), Melathaliyampatti,
Thaliyampatti Post, Krishnarayapuram Taluk,
Karur.

... Petitioner(s) in WP(MD). 18868/ 2026

- Vs. -

1. Indian Overseas Bank Lalapet Branch,
Ar Anbu Illam, Main Road,
Lalapet Post, Krishnarayapuram Taluk,
Karur.
Rep. by its Authorized Officer / Chief Manager,
Vishakh

2. Mahalingam S/o.Rathinavel,
2/10(1), Melathaliyampatti,
Thaliyampatti Post,
Krishnarayapuram Taluk,
Karur.

... Respondent(s) in WP(MD). 18868/ 2026

Prayer in WP(MD). 18868/ 2026 :Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under



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Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the entire record relating to the proceeding of the learned Chief Judicial Magistrate, Karur in CrMP.No.583 of 2026 dated 25.05.2026 and quash the same as illegal.

For Petitioner : Mr.V.Muthusamundeeswaran

For Respondents : Mr.V.Jagadeesh for R1

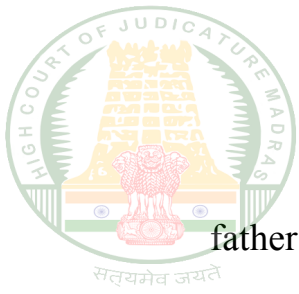
ORDER

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

The writ petition had been filed in the nature of certiorari seeking records relating to the proceeding of the Chief Judicial Magistrate, Karur in Cr.M.P.No.583 of 2026 dated 25.05.2026 and to quash the same.

2. In the order dated 25.05.2026, the Chief Judicial Magistrate, Karur, in Cr.M.P.No.583/2026 was examining a petition filed under Sections 14(1) and 14(2) of the SARFAESI Act, 2002 seeking physical possession of the property on an application made by the first respondent herein.

3. The first respondent had lent credit facilities on and from November 2018 to the petitioner herein and to the 2nd respondent, who are



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father and son respectively. It had been stated that the loan had been declared as non performing assets (NPA), thereafter proceedings had been initiated and in the order in Cr.M.P.No.583 of 2026, the Chief Judicial Magistrate, Karur had appointed an Advocate Commissioner to take physical possession of the property.

4. It had been contended on behalf of the first respondent that it is not the first round of litigation. The property had been brought on auction several times and each time, the procedure was frustrated. It is also contended that in spite of several opportunities given, the loan amount was not repaid. It is also contended that whenever any order is passed, a litigation is launched by the borrower seeking to frustrate the proceedings. In the affidavit filed, it had been contended that notice has not been served in Cr.M.P.No.583/2026. But, however, that is an issue, which should have been taken up before the Chief Judicial Magistrate, Karur. The record shows that the parties to the proceedings had been participating and there has been no complaint about non issuance of notice. We find no infirmity in the order. Additionally, the only remedy available is before the Debts Recovery Tribunal. The writ petition questioning the order passed under



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Section 14 of the SARFAESI Act is not maintainable. No other ground has been made out. Accordingly, the writ petition stands dismissed. No costs.

Consequently connected Miscellaneous Petitions are closed.

(C.V.K.,J.) (R.S.V,J.)
06.07.2026

Index : Yes/No
Internet : Yes/No
RR



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

RR

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