



WEB COPY



W.P.No.1453 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

W.P.No.1453 of 2025
and
W.M.P. No.1697 of 2025

C.Deivasigamani

... Petitioner

Vs.

1.Canara Bank rep. By its
Authorized Officer/Chief Manager,
Kavundampalayam Branch,
25/A, Marutham Towers,
Indira Nagar, MTP Road,
Coimbatore – 30
K.P.Salin.

2.M/s.Roshini Cotton Mills,
No.216/2/2B, Kavundampalayam Road,
Irugur, Coimbatore – 103.

3.P.Rajaa
4.P.I.Ibrahim
5.M.Sathyapriya

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus to direct the first



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respondent to stop from taking physical possession of the property mentioned in the letter dated 07.01.2025 issued by the fifth respondent.

For Petitioner : Ms.R.Pushpalatha

For Respondents : Ms.S.R.Sumathy for R1

ORDER

(Order of the Court was made by *V.LAKSHMINARAYANAN, J.*)

The petitioner claims to be an agreement holder with the fourth respondent. The fourth respondent seems to have sold the property to the third respondent, who in turn mortgaged the property with the first respondent Canara Bank. After having been declared as non-performing asset, the first respondent Bank has initiated proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter SARFAESI Act). The petitioner, who claims to be in possession of the property under the agreement, wants a mandamus directing the first respondent not to take possession of the property.

2. Against the order that is passed under Section 14 of the SARFAESI Act, an appeal lies to the jurisdictional Debts Recovery Tribunal. Leaving it open to the petitioner to workout his right before the Debts



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Recovery Tribunal, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [V.L.N., J.]
17.01.2025

Index: Yes/No
Neutral Citation: Yes/No
mmi

To

The Authorized Officer/Chief Manager,
Canara Bank,
Kavundampalayam Branch,
25/A, Marutham Towers,
Indira Nagar, MTP Road,
Coimbatore – 30.



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**S.M.SUBRAMANIAM, J.
AND
V.LAKSHMINARAYANAN, J.**

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