



W.P.Nos.12578 of 2025 and 31936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.Nos.12578 of 2025 and 31936 of 2024
and W.M.P.Nos.14164 to 14166 of 2025 and 34683 and 34684 of 2024

W.P.No.12578 of 2025

1. M/s.Sri Devi Hospital,
Rep. by its Proprietor Dr.K.Senthilnathan,
Plot No.1499, 16th Main Road,
Anna Nagar, Chennai 600 040.

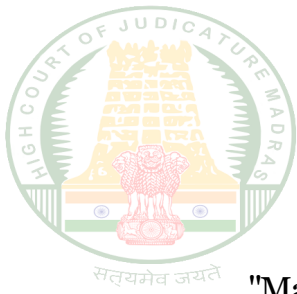
2. Dr.K.Senthilnathan
3. Meena

.. Petitioners

-vs-

1. M/s.Asset Reconstruction Company
(India) Limited, (Acting in its
Capacity as Sole Trustee of the ARCIL-
Asset Reconstruction Fund II Trust),
Rep. by its "Authorised Officer",
"THE RUBY", 10th Floor, Senapathi
Bapat Marg, Dadar (West),
Mumbai 400 028.

2. M/s.Asset Reconstruction Company
(India) Limited, Rep. by its



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"Managing Director",
"THE RUBY", 10th Floor, Senapathi
Bapat Marg, Dadar (West),
Mumbai 400 028.

3. Indian Overseas Bank Limited,
Through its "Authorised Officer under
SARFAESI Act", New No.1063,
Old No.539, E V R Periyar High Road,
Arumbakkam Branch, Chennai 600 106.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari (i) to call for the records pertaining to the Notice No.BGVG/AS/FY23/11207 dated 23.12.2022 issued by the first respondent under Section 13(4) of SARFAESI Act, 2002 for the purported outstanding sum of Rs.67,27,81,433 payable as on 03.10.2022 and the Notice No.BGVG/AS/FY23-24/1076 issued by the first respondent dated 01.06.2023 under Section 13(4) of SARFAESI Act, 2002 for the purported outstanding sum of Rs.224, 69,96,019 payable as on 25.05.2023 as the same are in violation of the Standing Accounting Procedure to be adopted by the respondents and also they have failed to comply the mandatory registration of the securitisation, reconstruction and security interest transactions as contemplated under Section 26D of the SARFAESI Act, 2002 and hence, quash the same; (ii) to call for the records pertaining to the orders in O.A.No.288 of 2014 dated 31.10.2017 issued by the Debts Recovery Tribunal-1, Chennai and the Recovery Certificate No.329 of 2018 now re-numbered as TRC No.1494 of 2022 before the Hon'ble Debts Recovery Tribunal-2, Chennai and quash the same; and (iii) to call for the records pertaining to the orders dated 06.02.2024 made in Securitisation Application (Dy.) No.4030 of 2023 before the Hon'ble Debts Recovery Tribunal-2, Chennai and hold the dismissal of the Application made by the petitioners in S.A.Dy.No.4030 of 2023 as illegal and hence quash the same.

For Petitioners : Mr.S.N.Jha
for Mr.Hussain Mubeen Farooq



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For Respondent : Mr.V.V.Sivakumar
for DVA Associates
for RR 1 and 2
: Mr.V.Kadhirvelu for R-3

W.P.No.31936 of 2024

1. M/s.Sri Devi Hospital,
Rep. by its Proprietor Dr.K.Senthilnathan,
Plot No.1499, 16th Main Road,
Anna Nagar, Chennai 600 040.

2. Dr.K.Senthilnathan
3. Meena

.. Petitioners

-VS-

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinampakkam, Chennai,
Tamil Nadu 600 028.

2. The Sub-Registrar, Anna Nagar,
Office of the Sub-Registrar,
Integrated Sub Registrar Offices Complex,
Nolambur 2nd Main Road, Nolambur Phase II,
(Nearby Nolaamur EB Office), Chennai 60 0037.

3. The Sub-Registrar, Tiruvallur,
Office of the Sub-Registrar,
184/12G, State Highway 50,
Pungathur, SP Nagar,
16, Kumaravel Nagar, Off. Jaya Nagar,
Thiruvallur 602 001.



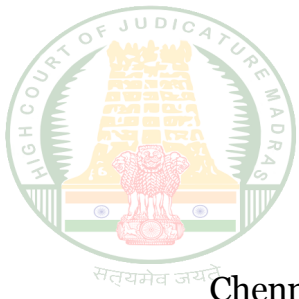
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4. Recovery Officer,
Debts Recovery Tribunal-II, Chennai,
6th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Nungambakkam, Chennai 600 034.
5. M/s.Asset Reconstruction Company
(India) Limited, (ARCIL),
Acting in its capacity as Trustee of
Asset Reconstruction Fund-II Trust,
No.29, The Ruby, 10th Floor,
Senapathi Bapat Marg,
Dadar West, Mumbai 400 028.
6. Panduranga Reddiar
7. M/s.A.E.E. Trust,
(For Blind Children and Underprivileged
Women), Rep. by its Authorised Signatory
and Trustee, Regd. Office at No.49,
4th D Cross, Maruthi Nagar,
Madival, Bangalore 560 068.
8. The Sub-Registrar, Peenya,
Office of the Sub-Registrar, Peenya
No.488, 2nd Floor, KIADB Building,
4th Cross, 4th Main, Peenya 2nd Stage,
Bengaluru 560 058.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the impugned arbitrary Warrant of Attachment of Schedule "A" and "B", vide: even dated 07.10.2024 issued by the respondent No.4 - Recovery Officer, DRT II,



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Chennai, in T.R.C.No.1494/2022 DRC No.329/2018 (DRT-I,Chennai) and quash the same.

For Petitioner : Mr.S.N.Jha
for Mr.H.M.Farooq

For Respondents : Mr.M.Habeeb Rahman
Govt. Advocate for RR 1 to 3
: R-4 Tribunal
: Mr.V.V.Sivakumar for R-5
: RR 6 and 7 - Not ready in notice
: No appearance for R-8

* * * * *

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Mr.Jha seeks leave to withdraw the petitions, with liberty to approach the Debt Recovery Appellate Tribunal. If the application is filed within two weeks from today, the Debt Recovery Appellate Tribunal shall proceed on the basis that the delay, if any, has been condoned. We clarify that we have not made any observation on the merits of the matter. All rights and contentions are kept open.



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for.



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2. Petitions are dismissed as withdrawn, with the liberty as prayed

for.

3. W.M.P.Nos.14164 of 2025 filed by petitioners to permit them to join together and file a single writ petition is ordered, inasmuch as they have paid separate court-fee and W.M.P.No.34683 of 2024, filed by petitioners to permit them to join together and file a single writ petition is ordered, subject to payment of separate sets of court-fee within two weeks from today.

Consequently, the other interim applications stand closed. There shall be no order as to costs.

(K.R.SHRIRAM, CJ.)

(SUNDER MOHAN, J.)

18.06.2025

Index : Yes/No

Neutral Citation : Yes/No

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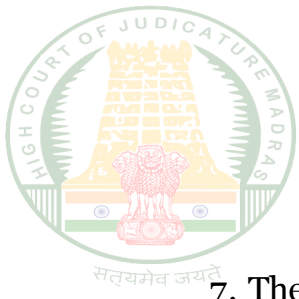
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The Hon'ble Chief Justice
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