IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.16285 of 2025
&
W.M.P.Nos.18415 & 18418 of 2025

K.Perumal Pillai .. Petitioner

Vs.

1. G.Ramesh

2. GIC Housing Finance
6th Floor, National Insurance Building
14, Jamshedji Tata Road
Churchgate, Mumbai
Maharashtra 400 020.

3. GIC Housing Finance Ltd.
480, Khivraj Complex 2, 2nd Floor
Anna Salai, Nandhanam
Chennai 600 035.

4. The Authorised Officer
GIC Housing Finance
480, Khivraj Complex 2, 2nd Floor
Anna Salai, Nandhanam
Chennai 600 035. .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in C.M.P.No.7859 of 2023 dated 19.10.2023 passed by the Special Judge / Chief Judicial Magistrate , Chengalpati and quash the same and consequently to direct the respondents 2 to 4 to cancel mortgage deed document No.3739/2018 dated 17.04.2018 created against the petitioner's property situated in Nanchai old survey No. 95/1, New survey No. 95/1A is land measuring of 0.23 cents , 95/1B is land measuring 0.25 cents and totally 0.48 cents (1990 square feet) including RCC roof house, Ninaikarai Village, Chengalpat Taluk, Kanchipuram District and at present Chengalpat District with the time stipulated by this Hon'ble Court.

For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.V.Rameshvel
for Respondents 2 to 4

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

Challenge to the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is essentially based on the allegation that the property was sold to petitioner even prior to mortgage and therefore, the secured creditor is not entitled to take measures under Section 13(4) of the SARFAESI Act in respect of that part of the property which was sold to petitioner.

2. This issue can very well be raised before the Debts Recovery Tribunal where statutory remedy lies under law.

3. An apprehension is raised by petitioner that since he was not a party to the proceedings before Debts Recovery Tribunal, Debts Recovery Tribunal may not entertain his application. Apprehension is not well founded. If petitioner claims to be in possession of the property, he is at liberty to approach the Debts Recovery Tribunal assailing the order passed under Section 14 of the Act.

4. Petition is dismissed. There shall be no order as to costs. Consequently, the interim applications are also dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
25.11.2025

Index : Yes/No
Neutral Citation : Yes/No
kpl

To

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

(kpl)

W.P.No.16285 of 2025

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