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W.P.No.14338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.14338 of 2024

&

W.M.P.No.15564 of 2024

V.M.Vijayan

.. Petitioner

Vs.

City Union Bank Limited  
Rep. by its Authorised Officer  
N.Mohan Kumaramangalam  
"Narayana" Administrative Office  
No.24-B, Gandhi Nagar  
Kumbakonam 612 001.  
Having its Branch at Vellore  
No.29, Arcot Road, IDS Scudder Road  
Near Murugan Temple  
Vellore 632 004.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records of the impugned order in RA(SA) No.19 of 2023 dated 25.04.2024 passed by the



W.P.No.14338 of 2024

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Debt Recovery Appellate Tribunal, Chennai and quash the same.

For Petitioner : Mr.K.A.Ramakrishnan

For Respondent : Ms.Ananda Gomathy

ORDER

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

This petition is directed against the order dated 25.04.2024 passed by the Debt Recovery Appellate Tribunal, whereby, petitioner's appeal against the order of Debts Recovery Tribunal in the matter of challenge to the measures taken by the bank towards recovery, has been dismissed.

2. Learned counsel appearing for petitioner made three fold submissions. The first submission is that petitioner's bank loan account was wrongly classified as NPA. He would submit that this issue, though raised by petitioner, has not been properly examined by the Debts Recovery Tribunal as well as Debt Recovery Appellate Tribunal. The second submission is that before filing an application



W.P.No.14338 of 2024

seeking delivery of possession under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, possession notice, as required under law, was not preceded. The third submission of learned counsel for the petitioner is that the application under Section 14 itself was not in accordance with law, as, affidavit was not filed.

3. Learned counsel for respondent, on the other hand, submits that both Debts Recovery Tribunal and Debt Recovery Appellate Tribunal have examined these issues in detail and clear finding in this regard, as against petitioner, has been recorded. She would submit that classification of petitioner has been found to be strictly in accordance with the Scheme and guidelines which are applicable in the matter issued by Reserve Bank of India, which was minutely scrutinised. Learned counsel would further submit that the ground of non-issuance of possession notice prior to institution of proceedings under Section 14 of the Act and that affidavit was not filed are factually incorrect as has been noticed by the Tribunal.



W.P.No.14338 of 2024

WEB COPY

4. We have gone through the order passed by the Debts Recovery Tribunal and Debt Recovery Appellate Tribunal.

5. The Debts Recovery Tribunal and Debt Recovery Appellate Tribunal have minutely scrutinised the three fold submissions made by petitioner. The guidelines issued by the Reserve Bank of India have been followed in classifying petitioner as NPA. The allegation that possession notice did not precede recovery proceedings is also factually incorrect, which is explicitly clear from the order which has been passed by the Tribunal. With regard to the allegation that affidavit is not filed is also factually incorrect. We, therefore, do not find any ground to interfere with the order passed by the Debt Recovery Appellate Tribunal by exercising extraordinary jurisdiction under Article 226 of the Constitution of India.

6. At this stage, learned counsel for the petitioner seriously disputed the total amount which is now payable by petitioner, excluding the amount which has already been paid. He further



W.P.No.14338 of 2024

submitted that petitioner is suffering from lung cancer since long and needs some breathing time to deposit the balance amount.

7. Learned counsel for respondent would submit that the amount which is liable to be paid by petitioner, at present, would depend upon the accrual of interest over the period in respect of that amount which still remains to be unpaid, after adjusting Rs.44 lakh paid by petitioner.

8. Though we are not inclined to interfere with the order passed by Debt Recovery Appellate Tribunal, taking into consideration what has been stated by learned counsel for petitioner, petitioner is granted two months' time to deposit the remaining amount which is liable to be paid by him. In case, petitioner is able to settle the amount, the property of petitioner may not be put to sale for a period of two months. However, if petitioner, despite having worked out all the source, is not able to pay the balance amount, it goes without saying that only option left to the bank would be to proceed with auction of the property and



W.P.No.14338 of 2024

realise the balance amount which is payable by petitioner as on today. Subject to the aforesaid liberty, no other direction is warranted in the petition. We make it clear that the order passed under Section 14 of the Act for delivery of possession has not been stayed by this Court and it will be open for the bank to take possession after two months.

9. Petition is disposed of. There shall be no order as to costs. Consequently, the interim application is disposed of.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)  
28.10.2025

Index : Yes/No  
Neutral Citation : Yes/No

kpl

To

Mr.N.Mohan Kumaramangalam  
Authorised Officer  
City Union Bank Limited  
"Narayana" Administrative Office  
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Kumbakonam 612 001.



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

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