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W.P.No.18223 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2025

CORAM :

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.18223 of 2025
and W.M.P.No.20409 of 2025

Balakrishnan,
S/o. Govindasamy,
Main Road, Kondal, Sirkazhi,
Mayiladuthurai-609 116.

Petitioner

Vs

The Manager,
State Bank of India,
No.100, North Car Street,
Sirkazhi, Mayiladuthurai.

Respondent

PRAYER Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records of the Respondent culminating in its impugned notice dated 16.04.2025 issued under section 13(4) of the SARFAESI Act and quash



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the same as illegal, arbitrary, without jurisdiction and against the principal of natural justice and consequently forebear the Respondent from taking any further action under the SARFAESI Act.

For Petitioner: Mr.P.Dinesh Kumar

For Respondent: Mrs.S.R.Sumathy
Standing Counsel

ORDER

(Order of the Court was made by *G.R.Swaminathan, J.*)

Heard both sides.

2. The petitioner herein had mortgaged two items of properties with the respondent bank. One is agricultural property and the other is residential building. As against the agricultural property, action under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act') will not lie. However, as regards residential building, action under SARFAESI Act can very well be maintained. Therefore, action taken against the agricultural property under SARFAESI Act stands quashed. As regards action taken against the residential building, the petitioner



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can workout his remedy before the jurisdictional Debts Recovery Tribunal in manner known to law.

3. The writ petition is, accordingly, partly allowed. There shall be no order as to costs. Consequently, W.M.P.No.20409 of 2025 is closed.

(G.R.S.,J.)

(V.L.N., J.)

22.05.2025

Index : Yes/No
Neutral Citation : Yes/No
bbr/vum

To

The Manager,
State Bank of India,
No.100, North Car Street,
Sirkazhi, Mayiladuthurai.



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G.R.SWAMINATHAN,J.
and
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