



W.P.No.19362 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.05.2025

CORAM :

The Hon'ble MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

and

The Hon'ble MRS.JUSTICE T.V.THAMILSELVI

W.P.No.19362 of 2025

and WMP Nos.21613, 21615, 21616 and 21617 of 2025

M/s M A Cold Chain Infrastructure,
Represented by its Partner,
S.K.Mohammed Saffiullah
Annur Main Road,
Jadayarpalayam, Mettupalayam,
Coimbatore-641 301.

.. Petitioner

-VS-

1. Canara Bank (Erstwhile Syndicate Bank),
Represented by its Authorised Officer/Chief Manager,
Gandhipuram Branch, P.Box No.2908,
7/100, Cross Cut Road, Gandhipuram,
Coimbatore-641 002, Paneeshayana.M

2. The Branch Manager,
Canara Bank,
Gandhipuram Branch,
7/100, Cross Cut Road,
Gandhipuram, Coimbatore.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the learned Chief Judicial Magistrate, Coimbatore dated 30.12.2024 made in Crl.M.P.No.16794 of 2024, appointing an Advocate Commissioner for taking physical possession of the subject properties and quash the same and consequently direct the respondents to implement the directions contained under the notification bearing No.S.O.E.1432 issued by the Reserve Bank of India, dated 29.05.2025.

For Petitioner : Mr.S.Kalyanaraman
for M/s.Aiyar and Dolia

For Respondents : Mrs.S.R.Sumathy

* * * * *

ORDER

(Order of the Court was made by SENTHILKUMAR RAMAMOORTHY,J.)

By this petition, the petitioner challenges the proceedings for recovery of possession pursuant to the order dated 30.12.2024 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). An order under Section 14 of the SARFAESI Act is a facilitative order and qualifies



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as a measure under Section 13(4) of the enactment. Therefore, the appropriate course of action for the petitioner is to assail such measure before the jurisdictional Debts Recovery Tribunal.

2. In these circumstances, we are unwilling to interfere especially in view of the fact that the amount demanded in the notice issued under Section 13(2) of the Act is in the region of Rs.18.8 crores.

3. Accordingly, by leaving it open to the petitioner to avail of the alternative remedy before the jurisdictional Debts Recovery Tribunal, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.K.R., J.)

(T.V.T.S.,J.)

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Index : No
Website : Yes
Speaking Order

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Senthilkumar Ramamoorthy, J.
and
T.V.Thamilselvi, J.

(sr/sra)

To

1. The Authorised Officer/Chief Manager
Canara Bank (Erstwhile Syndicate Bank),
Gandhipuram Branch, P.Box No.2908,
7/100, Cross Cut Road, Gandhipuram,
Coimbatore-641 002.
2. The Branch Manager,
Canara Bank, Gandhipuram Branch,
7/100, Cross Cut Road, Gandhipuram, Coimbatore.

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