



WEB COPY



W.P.No.19461 of 2025 and W.M.P.Nos.21747 & 21748 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2025

CORAM :

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

AND

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.19461 of 2025 and
W.M.P.Nos.21747 & 21748 of 2025

1.V.Gladys Malini

2.V.Nishanth Paul

Petitioners

Vs

M/s.State Bank of India
Stressed Assets Recovery Branch
Egmore
Rep. by its Authorized Officer,
No.32, Monteith Road,
Egmore, Chennai.

Respondent

PRAYER Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, forbearing the respondent or their men, agent, servants or anybody claiming



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through them from interfering with the petitioners peaceful possession and enjoyment particularly evicting the petitioners from the premises at Flat No.15, 4th floor 'C' Block, Snehan Apartment No.3, Park Road, Anna Nagar West Extn. Near Padi Junction, Chennai- 600 040 till the petitioners representation dated 13.05.2025 is considered by the respondent as per law.

For Petitioners: Mr.B.Manimaran

For Respondent: Mr.M.L.Ganesh

ORDER

(Order of the Court was made
by *Senthilkumar Ramamoorthy, J.*)

The first petitioner is the wife of the borrower and the second petitioner is the son of the borrower. By this writ petition, they seek to prevent interference with their peaceful possession of the property described in the petition.

2. Mr.M.L.Ganesh, learned counsel, accepts notice on behalf of the respondent. On instructions, he submits that pursuant to a demand notice under Section 13(2) of the Securitisation and



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Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, measures were taken under Section 13(4) thereof, including by way of obtaining an order under Section 14. Since the petitioners have not challenged the measures under Section 13(4) before the jurisdictional Debts Recovery Tribunal, he submits that the present writ petition is liable to be dismissed.

3. The documents on record include the demand notice dated 06.03.2023. By such notice, demand for a sum of about Rs.3.03 Crores has been made. On examining the affidavit, it is clear that the petitioners have not taken any steps to re-pay the dues to the respondent.

4. The petitioners also state that the education of the first petitioner's children would be affected, if they are evicted forthwith. By taking this aspect into consideration, the respondent is directed to provide the petitioners two months' time to hand over vacant possession of the property described in



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the petition.

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5. Accordingly, this writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.21748 of 2025 is closed.

6. Considering the relationship of petitioners 1 and 2, W.M.P.No.21747 of 2025 filed to permit the petitioners to file a single writ petition is ordered as prayed for.

(S.K.R., J.)

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

28.05.2025

Index : No
Neutral Citation : No
bbr/vum

To

The Authorised Officer,
State Bank of India
Stressed Assets Recovery Branch
Egmore
No.32, Monteith Road,
Egmore, Chennai.



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SENTHILKUMAR RAMAMOORTHY, J.

and

T.V.THAMILSELVI, J.

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