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W.P.No.29945 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No. 29945 of 2025

Anthony Samy

.. Petitioner

vs

1.R1 – Deleted from, the array  
of respondents vide order dated 20.07.2023  
made in WP No. 21346/2023.

2.The Chief Manager,  
State Bank of India (Est. while State Bank of Trivancore),  
Market Centre, HAPP Township,  
Trichy – 620 025.

3.Tamilselvan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to consider the household items and the items touching the Profession values of Rs.19,09,000 (Nineteen lacs and nine thousand only) which are shown in detail and explained in our Request-cum-Notice dated 23.04.2025 and issue a Writ of Mandamus or any other Order or Direction in the nature of Writ and direct the respondents to pay Rs.19,09,000 (Nineteen lacs and nine thousand only) to the Petitioner Anthony Samy towards the loss occurred to the Petitioner by the Respondents.



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For Petitioner : Dr.A.E.Chelliah  
Senior Counsel  
for Mr.K.Ramanujam

For Respondents : Mr.B.Raghavulu Naidu  
for R2 (SBI)

ORDER

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

This petition has been filed by the petitioner seeking the following relief:

*"For the reasons stated in the accompanying affidavit It is therefore prayed that this Hon'ble Court may be pleased to consider the household items and the items touching the Profession values of Rs.19,09,000 (Nineteen lacs and nine thousand only) which are shown in detail and explained in our Request-cum-Notice dated 23.04.2025 and issue a Writ of Mandamus or any other Order or Direction in the nature of Writ and direct the respondents to pay Rs.19,09,000 (Nineteen lacs and nine thousand only) to the Petitioner Anthony Samy towards the loss*



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*occurred to the Petitioner by the Respondents and pass such further or other orders and thus render justice.”*

2. The factual premise on which the entire case of the petitioner is founded is that at the time of taking possession of the petitioner's property in execution and implementation of order passed by the Chief Judicial Magistrate under the provisions of Section 14 of the SARFAESI Act, though the request was made to allow the petitioner to collect his households and other properties, it was not allowed and the petitioner was shunted out unceremoniously from his property in the name of measures being taken towards recovery of loan by the secured creditor.

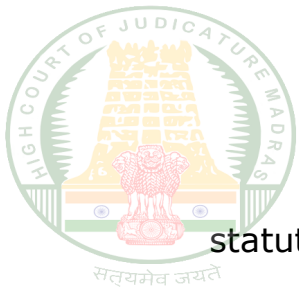
3. Precisely, in the petition it has been averred that all the household items and the items relating to the execution of the profession, namely, renting out chairs, tables, providing shamianas, etc., by the petitioner, but neither there was a whisper from the bank nor from the auction purchaser on 28.03.2025 when the matter was heard. It is further averred that the petitioner was also



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in a depressed state of mind with his wife and unable to express this position to the counsel also and, therefore, a Request-cum-Notice was issued to the bank and the copy was also marked to the auction purchaser on 23.04.2025 bearing the details of the household items and the items touching the Profession and the value comes to Rs.19,09,000/- (Rupees Nineteen Lakh and Nine Thousand Only). It is further stated that though notices were received by the bank as well as by the auction purchaser, a reply was received only on 29.05.2025 denying their liability.

4. During the course of arguments, learned Senior Counsel appearing for the petitioner, would submit that the report which was prepared by the Advocate Commissioner and submitted before the Magistrate during proceedings under Section 14 of the SARFAESI Act also does not reflect upon the correct factual position. As a matter of fact, the petitioner was not allowed to remove his articles. He would further submit that inventories and panchanama, which has been placed on record by the respondent/bank, are not even drawn in accordance with the



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statutory proforma provided in that regard under the provisions of the SARFAESI Act and Rules. He would further submit that even the signature of the petitioner was not taken on that document and, therefore, the document does not carry any evidentiary value and it was not acceptable to the petitioner.

5. On the other hand, learned counsel for respondent/bank would submit that, from the order passed by the Chief Judicial Magistrate itself it is evident that the Advocate Commissioner had taken possession under the authority of the orders passed by the Chief Judicial Magistrate and the order clearly records that only part of the items, particularly the valuables like jewelery, were collected, rest of the items were left behind. Later on, all these articles which were left behind by the petitioner were shifted to another rental premises and they have been kept in safe custody over there for being collected by the petitioner. In the letter dated 23.05.2025, it has been clearly stated that the petitioner willfully refused to take immovable properties as per the inventory in the bank. Therefore, the bank was left with no other option but to move the items to



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another premises and is incurring rental charges for preserving/safe keeping of the same. The petitioner was advised to take back the items as per the inventory and panchanama made by the Advocate Commissioner after prior intimation to the officer duly authorized by the bank.

6. We have gone through the contents of the petition, pleadings made by the parties and various documents placed on record by respective parties.

7. The petitioner's allegation that at the time of taking possession, the petitioner was not allowed to remove his belongings and those movables have been unauthorisedly retained by the respondent bank, is not acceptable.

8. We find from the order passed by the Chief Judicial Magistrate way back on 15.03.2023 that, at the time of taking possession by the Advocate Commissioner appointed by the Magistrate, the petitioner and his family members were asked to



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take the articles inside the house. The wife of the petitioner refused even though they were advised to take all the essentials and necessary articles, including jewelery, documents, etc. After taking note of the necessary essential articles, the other items were left behind. An inventory to that effect was also prepared by the Advocate Commissioner. The report of the Advocate Commissioner was taken note of by the Chief Judicial Magistrate and in the order passed, it has been recorded that after taking the mentioned necessary articles, inventories were prepared, which were captured in the video, locked and handed over the keys to the wife of the petitioner, who then locked and sealed the house. Thereafter, he received the keys of the house in the second floor in the presence of the family members. After having given all those details, the order further records that as there was no provision to attach a lock, only seal was kept and the keys were handed over to the SBI Branch Manager in the presence of the police officials and the wife of the petitioner. The order also records that all the events were photographed and videographed. The possession of the property was taken and then handed over around 2.30 p.m.



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9. The aforesaid order obviously was within the notice and knowledge of the petitioner but the petitioner never questioned the correctness of that order in so far as taking possession and also proceedings drawn with regard to the preparation of panchanama, inventories and removal of certain essential items of the petitioner concerned.

10. The inventories, which are placed on record, have been prepared by the bank officials. The details of the items which were not collected by the petitioner and were left behind, has also been prepared.

11. There is nothing to show that the procedure adopted while drawing these inventories is contrary to the provisions of law. Even if there is no signature of the petitioner, what has been stated by the Advocate Commissioner in his report, which has been reproduced by the Magistrate in his order, cannot be disbelieved only on this ground.



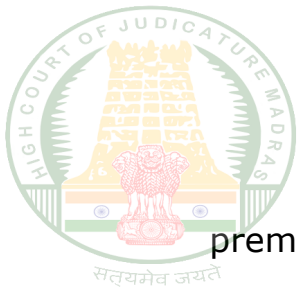
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12. The reply of the respondent/bank clearly shows that all the articles that the petitioner did not collect were removed from the properties sold in auction and have been now kept in another rental premises for which the bank has been paying the rent.

13. Therefore, we are of the view that the petitioner's claim that petitioner was illegally deprived of enjoyment of his properties and other articles required for his profession is without any basis. Accordingly, no directions can be issued in favour of the petitioner for payment of any damages towards alleged loss. The prayer of the petitioner in that regard is rejected.

14. However, the petitioner is at liberty to collect all the articles from the rented premises, which is in the possession of the respondent bank. For this purpose, the petitioner shall appear before the Chief Manager, State Bank of India, HAPP Branch, Trichy on 15.10.2025 at 10.30 a.m. Upon such approach made, the bank shall depute an officer who shall take the petitioner to the rented



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premises where the items have been kept and the petitioner shall be allowed to remove all the items as per the inventories. A report of panchanma shall also be prepared by the concerned bank official in whose presence the petitioner shall remove the items and the petitioner shall also acknowledge removal of the items. The entire rent amount paid by the bank for the rental premises where the items are kept shall also be indicated to the petitioner and as soon as the petitioner pays the amount to the bank, all the items may be allowed to be removed by the petitioner.

15. Writ petition is disposed of accordingly. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)  
10.10.2025

Index : Yes/No  
Neutral Citation : Yes/No  
ssm

To

The Chief Manager,  
State Bank of India (Est. while State Bank of Trivancore),



Market Centre, HAPP Township,  
Trichy – 620 025.

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