



WP No.25979 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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Rajakumari

: Petitioner

versus

1.The Hon'ble Chief Judicial Magistrate,
Cuddalore

2.Axis Bank Ltd.,
rep. By its Authorised Officer, Iyyanar
office at Ravindran Arcade,
Chennai Trichy Highway,
Opposite to New Bus Stand,
Villupuram 605 602

3.K.Velmurugan

4.V.Anbarasi

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 and 2 to remove the seal and handover possession of petitioner's house property bearing Survey No.115/14 situated at No.24, Pillaiyar Kovil



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Street, Athiyanallur (Hamlet), Velangipattu (Revenue Village), Kothattai (Post), Bhuvanagiri (Taluk), Cuddlaore District, based on the petitioner's title document or otherwise direct the 1st Respondent to take on his file the grant leave petition in SR.No.ATN20240015089D202500074 and recall order petition in SR.No.ATN20240015089D202500073 filed by petitioner and decide the same on merit.

For Petitioner : Mr.V.Neethidurai

ORDER

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

Grievance of the petitioner is that that the property of the petitioner has been wrongly claimed towards recovery of debts by the secured creditor and an order has been passed in this regard.

2. The submission of the learned counsel for the petitioner is that the property of the petitioner is not involved in the loan transaction and is not a mortgaged property and that, the petitioner is neither the borrower nor the guarantor.



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3. Upon being repeatedly asked, learned counsel for the petitioner could not satisfy that he has no other remedy available under the law.

4. In our view, these grievances of the petitioner can well be raised before the jurisdictional Debts Recovery Tribunal, ('Tribunal', for short).

5. Keeping open all the issues for consideration on merits, we give liberty to the petitioner to approach the Tribunal, with the claims which have been made in this petition.

6. We further observe that in case the petitioner approaches the Tribunal, the Tribunal shall decide the matter within the outer time limit of four months.

7. We have have not expressed any opinion on the merits of the matter.



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8. The writ petition stands disposed of. There will be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (SUNDER MOHAN, J.)

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Index : Yes/No
Neutral Citation : Yes/No
tar

To

The Chief Judicial Magistrate,
Cuddalore



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THE HON'BLE CHIEF JUSTICE
AND

SUNDER MOHAN, J.

(tar)

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