



W.P. No.28056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.No.28056 of 2025

and W.M.P.Nos.32454, 31456 and 31459 of 2025

Asokan.S
330B Baba Nagar,
2nd Main Road, Villivakkam
Chennai District-600 049

Petitioner

Vs

The Authorised Officer
Canara Bank,
Chidambaram Branch,
No. 15 North Car Street,
Chidambaram,
Cuddalore District 608 001

Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari mandamus to call for the records and quash the possession notice dated 03.04.2025 issued under Section 13(4) of the SARFAESI Act is same as a illegal and consequential direction or nature of direction to directing the respondent to follow procedure contemplated under the SARFAESI Act.



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For Petitioner: Mr.K.Rajendra Prasad

For Respondent: Mr.U.Kadhirvelu

ORDER

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

Heard learned counsel for the parties.

2. The petitioner sought to challenge the possession notice dated 3.4.2025 issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Learned counsel for the petitioner would submit that the petitioner is a guarantor. No notice so far has been served upon him, but he has been able to lay hands on a copy of the notice served on other parties and, therefore, he has rushed to this Court and filed this petition.

4. Since there is an alternative remedy of approaching the



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Debt Recovery Tribunal, the petitioner should first exhaust the alternative remedy.

5. The submission of learned counsel for the petitioner is that the remedy may be barred under the law, as the notice is dated 3.4.2025. We would not comment more than making an observation that, according to the petitioner, the petitioner came to know about the notice recently, but otherwise no such valid notice was served on him.

6. With the liberty aforesaid, the writ petition is dismissed. There shall be no order as to costs. Consequently, the miscellaneous petitions are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ)

(SUNDER MOHAN, J)

18.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

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