IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.33761 of 2025
&
W.M.P.No.37882 of 2025

P.Shymala .. Petitioner

Vs.

1. The Senior Manager
Punjab National Bank Housing Finance Limited
104/7, SBC Bhavan
Opposite New Bus Stand
Manivannan Street
Salem City.

2. The Manager
TATA AIG General Insurance Company Limited
403/1, Pantheon Road
2nd Floor, Samsung Tower
Egmore, Chennai 600 008. .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records pertaining to the alleged impugned order in Crl.M.P.No.387/2025 dated 27.05.2025 on the file of the Chief Judicial Magistrate, Namakkal and the possession notice dated 13.03.2025 under Section 8(1) SARFAESI

Act, 2002 issued by 1st respondent under SARFAESI Act and quash the same as illegal in view of the order of the Hon'ble District Consumer Redressal Commission, Namakkal in C.C.N.14/2023 dated 19.11.2024.

For Petitioner : Mr.K.Muruganantham
For Mr.S.Varanesh

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

Normally, we would not entertain this kind of petition, as, petitioner has an alternative efficacious remedy before the Debts Recovery Tribunal against the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Treating this as an extraordinary case, where, petitioner happens to be the widow of deceased who had borrowed loan, but passed away before he could repay loan and the secured asset is the dwelling house, where, the widow is residing with her two children, we are inclined to give indulgence, though petitioner may have other remedies, only to the extent that if petitioner

approaches bank and places before it various human problem, including what has been noted by us herein above, the bank shall consider whether it is possible to come out with any scheme of settlement in such a manner that the widow is able to save the property from being sold out in realisation of the loan. For a period of three months, dispossession notice/order shall not be given effect to.

3. This order shall not be treated as precedent, as, it is being passed only in exercise of extraordinary jurisdiction under Article 226 of Constitution of India.

4. Petition is disposed. Consequently, the interim application is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ)   (G.ARUL MURUGAN,J)
23.09.2025

Index : Yes/No
Neutral Citation : Yes/No
kpl

To

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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