



WEB COPY



W.P.No.35407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.35407 of 2025
and W.M.P.No.39634 of 2025

R.Rajmohan
S/o.M.Ramasamy,
Selampalayam Post,
Chinnakkapalayam,
Dharapuram Taluk,
Tiruppur District.

Petitioner

Vs

The Authorized Officer
Indian Bank,
Dharapuram Branch,
Dharapuram
Tiruppur District.

Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the respondent dated 31.7.2025 Ref.No.Nil under section Sec.13(2) of SARFAESI Act and quash the same.



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For Petitioner: Mr.B.Kumarasamy

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ORDER

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

Challenge is made to notice under Section 13(2) of the SARFAESI Act, 2002 mainly on the ground that the mortgaged land is, in fact, an agricultural land which could not be sold by way of auction to recover the debt.

2. On petitioner's own showing, he had taken loan by depositing the title deeds. The documents do not anywhere show that it is an agricultural land. Had it been shown, the property would not have been accepted as security towards repayment of the loan advanced by the bank.

3. Taking into consideration the conduct of the petitioner, we are not inclined to exercise our discretionary jurisdiction in favour of the petitioner. We leave it open to the petitioner to bring it to the notice of the respondent/bank by way of reply to the notice under



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Section 13(2) of the Act. It would be open for the bank to take appropriate decision on the petitioner's representation and if, in case, the bank decides to proceed under Section 13(4) of the Act, the petitioner would be at liberty to take appropriate remedy as may be available under the law.

Writ petition is dismissed. There shall be no order as to costs.

Consequently, interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
19.09.2025

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

The Authorized Officer
Indian Bank,
Dharapuram Branch,
Dharapuram
Tiruppur District



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

(sasi)

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