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W.P.Nos.39960 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP Nos.39960 and 39963 of 2024
and WMP Nos.43270, 43268, 43266, 43269, 43271, 43273 of 2024

1. Raja Insulation And Refractories Pvt Ltd
Rep by its Directors,
Murugananda Krishnan and B.Venkatesan
Plot No 3 And 4, Manikavasagar Street
Rakshan B Block Flat No S1, II Floor
G.S.Nagar, Ramapuram
Chennai - 600 083.

2. Muruganantha Krishnan
3. B. Venkatesan
4. Sudha Mathy
5. Prabha

Petitioners in both WPs

Vs

Indian Bank
MGR Nagar Branch,
R.K. Shanmugam Salai
K.K. Nagar, Chennai - 600 078
Rep by its Authorized Officer

Respondent in both WPs



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PRAYER: Petitions under Article 226 seeking issuance of a writ of certiorari to call for the records and quash amended Crl.M.P.No.1663 and 1664 of 2024 passed by learned Chief Judicial Magistrate, Chengalpattu, on 08.11.2024.

For Petitioners : Mr.S.Balaji

For Respondent: Mr.F.B.Benjamin George
for Mr.C.Ramaiah

COMMON ORDER

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

Petitioners are impugning orders dated 8.11.2024 passed by the Chief Judicial Magistrate, Chengalpattu.

2. At the outset, petitioners admit that the liability to the bank is in excess of Rs.6 crores.

3. It is petitioners' case that they have already challenged the order dated 10.6.2024 passed by the Chief Judicial Magistrate, Chengalpattu, under Section 14 of the Securitisation and Reconstruction of Financial



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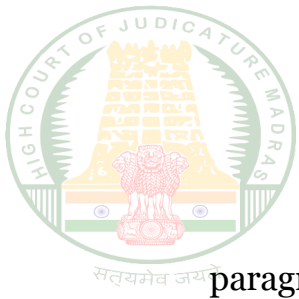
Assets and Enforcement of Security Interest Act, 2002 [the Act], by way of Securitisation Applications before the Debts Recovery Tribunal-III, Chennai.

4. Shri George, on instructions, states that the said Securitisation Applications have been heard and are reserved for orders.

5. In the meanwhile, the bank noticed that the names of the Police Stations in the orders passed under Section 14 of the Act are incorrectly mentioned and applied to the Chief Judicial Magistrate to correct the names of the Police Stations. The Chief Judicial Magistrate carried out the corrections vide orders dated 8.11.2024. Against that, these petitions have been filed.

6. Relying on a judgment of the Punjab High Court in ***Asset Reconstruction Company (India) Ltd v. State of Haryana***, counsel for petitioners submitted that the Magistrate has no power to review, recall or modify his order. Counsel has not placed on record a copy of the order in ***Asset Reconstruction Company (India) Ltd*** (supra). Counsel relies on

¹ CWP No.16366 of 2016, decided on 18.8.2017



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paragraphs 27 and 28 of the said judgment, which were reproduced in a judgment of the Division Bench of the Punjab and Haryana High Court in ***Indiabulls Housing Finance Ltd v. State of Haryana and others***². It does appear that learned State counsel or counsel for borrowers had conceded that there was no provision under the Act by which the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, can review, recall or modify the order.

7. It is settled law that steps to be taken under Section 14 of the Act are only procedural, without adjudication of any dispute whatsoever. The order to be passed under Section 14 of the Act is to assist the secured creditor to take possession of the secured assets, if all other conditions are fulfilled, and there is no adjudication process involved.

8. First of all, by changing the names of the Police Stations, in our view, the Magistrate has neither reviewed or recalled or modified his order, nor adjudicated any dispute and there is no likelihood of rights of any parties being affected. It is also not possible to suggest that petitioners are

² CWP No.4892 of 2019 (O&M), decided on 15.10.2019



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rendered remediless in law.
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In these circumstances, we see no merit in these petitions. Petitions are dismissed. There shall be no order as to costs. W.M.P.Nos.43266 and 43270 of 2024 filed by petitioners to permit them to join together and file single writ petitions are ordered subject to payment of separate court-fees within two weeks. The other interim applications stand closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ.J.)

19.03.2025

Index : Yes/No
NC : Yes/No
sasi

To:

The Authorised Officer
Indian Bank
MGR Nagar Branch,
R.K. Shanmugam Salai
K.K. Nagar, Chennai - 600 078.



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THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

(sasi)

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