



W.P.No.39785 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.39785 of 2025
and WMP Nos.44700 and 44701 of 2025

1. M.Chokkalingam
S/o.Manikkam
2. A.Jothilakshmi
W/o.Chokkalingam,

Both residing at No.2/265D,
Sakthi Nagar, UTC Kalangal,
Sulur, Coimbatore-641 402.

Petitioner(s)

Vs

1. The Chief Judicial Magistrate
Coimbatore.
2. LIC Housing Finance Ltd,
Rep. by its Authorized Officer,
P.Padmavathi, Tristar Towers,
2nd Floor, 657, Avinashi Road,
Coimbatore-641 037.



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3. M.Srinivasan B.A.,B.L.,
Advocate Commissioner,
R.No.26, AGS Building, 1st Floor,
Gopalapuram, 2nd Street,
Coimbatore-18.

4. The Inspector of Police
Sulur Police Station, Sulur,
Coimbatore-641 402.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents, more particularly respondents 2 and 3 from continuing any actions pursuant to order of the 1st respondent dated 26.02.2025 in Crl.M.P. No.1491 of 2025.

For Petitioner(s): Mr.D.Yogeswaran

For Respondent(s): Mr.R.Muniyapparaj,
Additional Public Prosecutor
for R4

ORDER

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

This writ petition is filed seeking a direction to refrain respondent Nos.2 and 3 from taking any action pursuant to the order dated 26.2.2025 passed by the learned Chief Judicial Magistrate, Coimbatore, under Section 14 of the SARFAESI Act, 2002.



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2. On petitioners' own showing, it is evincible that the petitioners had already filed S.A.No.357 of 2025 before the Debts Recovery Tribunal, Coimbatore, assailing the order passed by the Chief Judicial Magistrate and an interim order was passed on 16.4.2025. The interim order directed the petitioners to pay a sum of Rs.5 lakhs on or before 30.4.2025 and another sum of Rs.5 lakhs on or before 30.5.2025.

3. It appears that the petitioners neither complied with the order of the Debts Recovery Tribunal, nor challenged the order before the Debt Recovery Appellate Tribunal.

4. Learned counsel for the petitioners would submit that petitioners filed an application before the Debts Recovery Tribunal seeking extension of time to comply with the interim order passed by the Debts Recovery Tribunal.

5. We are of the view that all such prayers ought to be made



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before the Debts Recovery Tribunal and not before this court at this distance of time. The petition is misconceived.

Writ petition is dismissed, with liberty to the petitioners to approach the Debts Recovery Tribunal. There shall be no order as to costs. WMP No.44700 of 2025 filed to permit the petitioners to join together and file a single writ petition is allowed, subject to payment of separate court fee within two weeks. Other interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
25.10.2025

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



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