IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42244 of 2025
And
W.M.P.No.49492 of 2025

Gayathri Babu ... Petitioner

Vs.

1 THE CHIEF MANAGER
AXIS BANK LTD.
CHENNAI RAC BRANCH
NO.6A, 2ND FLOOR, CENTENNIAL SQUARE,
DR.AMBEDKAR ROAD,
MURUGESAN NAGAR,
KODAMBAKKAM,
CHENNAI – 600 024.

2 THE AUTHORISED OFFICER
AXIS BANK LTD.
7TH FLOOR, C-2,
WADIA INTERNATIONAL CENTRE,
PANDURANG BUDHKAR MARG,
WORLI, MUMBAI – 400 025. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularize petitioner's home loan bearing Power Home Vanilla BRE/Agreement No.PHR008203134045 from “WRITTEN OFF” status to “STANDARD

ASSET" status allowing the petitioner to repay the outstanding loan amount in EMI (Equated Monthly Instalments) and consequently direct the second respondent to waive the sum of Rs.3,28,948.71/- illegally claimed towards the Total Value Liability (TVL) / Notional Loss and direct the respondents not to take any further legal action against the petitioner and not to take possession of the said property.

For Petitioner : Mr.L.Balasubramanian
for M/s.KNS Law Chambers
For Respondents : No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to regularize petitioner's home loan bearing Power Home Vanilla BRE/Agreement No.PHR008203134045 from "WRITTEN OFF" status to "STANDARD ASSET" status allowing the petitioner to repay the outstanding loan amount in EMI (Equated Monthly Instalments) and consequently direct the second respondent to waive the sum of Rs.3,28,948.71/- illegally claimed towards the Total Value Liability (TVL) / Notional Loss and direct the respondents not to take any further legal action against the petitioner and not to take possession of the said property.

2.The learned counsel appearing for the petitioner submitted that the petitioner availed home loan from the respondent Bank under the Scheme Power Home Vanilla and charge has been created in favour of the respondent Bank in 2018 and the petitioner had also availed credit card from the respondent Bank and was repaying the EMI till May, 2019 with the help of her brother and thereafter she was not able to make the repayment and hence the loan account was classified as NPA by the respondent on 08.08.2022. Apart from that, the respondent Bank filed a case under Section 14 of the SARFAESI Act, before the Chief Metropolitan Magistrate, Egmore in Crl.M.P.No.53034 of 2024 and an order was passed in favour of the respondent Bank on 16.12.2024, against which, the petitioner preferred S.A.No.43 of 2025 before the Debt Recovery Tribunal – III, Chennai, in which, final order was passed on 31.07.2025 confirming the order passed by the Chief Metropolitan Magistrate, Egmore in Crl.M.P.No.53034 of 2024.

3.The learned counsel appearing for the petitioner further submitted that during the pendancy of the litigations, the petitioner continued to repay the loan amount by paying the EMI and hence, this Court may issue direction to the respondents to regularize petitioner's home loan bearing Power Home Vanilla BRE/Agreement No.PHR008203134045 from “WRITTEN OFF” status to “STANDARD

ASSET" status allowing the petitioner to repay the outstanding loan amount in EMI (Equated Monthly Instalments)

4.Heard the learned counsel appearing for the petitioner. There is no representation for the respondents.

5.Admittedly, the petitioner availed home loan and credit card from the respondent Bank and was repaying the EMI till May, 2019 and thereafter she was not able to make the repayment and hence the loan account was classified as NPA by the respondent on 08.08.2022. Thereafter the respondent Bank filed case under Section 14 of the SARFAESI Act, before the Chief Metropolitan Magistrate, Egmore in Crl.M.P.No.53034 of 2024 for taking possession of the mortgaged property and the same was allowed on 16.12.2024, against which, the petitioner preferred S.A.No.43 of 2025 before the Debt Recovery Tribunal – III, Chennai, in which, final order was passed on 31.07.2025 confirming the order passed by the Chief Metropolitan Magistrate, Egmore in Crl.M.P.No.53034 of 2024. Thereafter the petitioner has filed this writ petition, which is not sustainable one. Further no writ petition is maintainable as against the private Bank.

6.The writ petition is dismissed. Liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

18.11.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1 THE CHIEF MANAGER
AXIS BANK LTD.
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M.DHANDAPANI,J.
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