



WEB COPY



W.P.No.42829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.42829 of 2025

&

W.M.P.No.47889 of 2025

P. Isvarane

.. Petitioner

Vs.

1. The Authorized Officer
State Bank of India
RASMECC Puducherry(10324)
Jai Krishna Plaza, 1st Floor
No.7, Iyyanar Koil Main Street
Ellaipillai Chavadi
Pondicherry - 605 005.

2. Puducherry Housing Board
Represented by its Chairman
Government of Puducherry
Puducherry.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration, declaring the action of the 1st Respondent Bank in proceeding with coercive steps under the



W.P.No.42829 of 2025

SARFAESI Act, including taking possession or conducting auction of the Petitioner's residential property situated at No.33, Iyyanar Koil Street, Second Cross Street, Thulasingham Nagar, Ariyankuppam, Puducherry, despite the subsisting lien over the Petitioner's Savings Bank Account No. 33670402351 with the State Bank of India, Mudaliarpur Branch, Puducherry, towards adjustment of the Petitioner's loan liability, is illegal and arbitrary and consequently, direct the 1st Respondent Bank to defer all further proceedings initiated under the SARFAESI Act, including any proposed auction or action in pursuance with the order of the Learned Chief Judicial Magistrate, Puducherry dated 24.04.2025 in CrI.M.P.No.1423 of 2025 in respect of the residential property of the petitioner, till such time as the Petitioner's dues are lawfully adjusted through the said lien arrangement.

For Petitioner : Mr.T.Sai Krishnan
For Mr.R.Saravanan

For Respondents : Mr.S.Raveekumar
Government Pleader (Pondy)

ORDER

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

Challenge is made to the order of delivery of possession



W.P.No.42829 of 2025

passed by the Chief Judicial Magistrate, Puduchery on 22.08.2025 on the ground that petitioner will pay the outstanding dues from the arrears of salary to be recovered from the Housing Board and therefore, until all his salary dues are cleared by the Housing Board, the order passed by the Chief Judicial Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 should be kept in abeyance.

2. It is also submitted that, in fact, the Housing Board itself sent a letter on 11.07.2025 to the bank to defer e-auction of the property of petitioner. However, despite such communication, the bank has not responded and therefore, petitioner is apprehending that if possession is taken from him, the bank may proceed to put the property for auction and sell the same towards recovery of the debt liability.

3. The ground, on which the order of delivery of possession is challenged, is not available to petitioner under law. A person cannot



W.P.No.42829 of 2025

challenge the legality and validity of delivery of possession order passed under Section 14 of the Act on the ground that he had certain amount due and payable to him from a third party or its employer which has not been paid and till it is paid, possession should be deferred.

4. Petition, being misconceived, is dismissed. This order shall not come in the way of petitioner in seeking any relief against the employer to recover the amount and also to seek indulgence of Court. There shall be no order as to costs. Consequently, the interim application is also dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
05.11.2025

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
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