



W.P.No.41906 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.41906 of 2025

and W.M.P.Nos.46944 and 46946 of 2025

Saraswathi  
W/o.Murugesan  
D/o.P.Thangavel,  
D.No.2/645 Thachangkattoor,  
Ekaparam PO, Pappampadi  
Salem 636 306

Petitioner

Vs

- 1.Union Bank of India  
(E-Corporation Bank)  
Asset Recovery Branch,  
Rep. through its  
Authorised Officer Mr.Baimal Sukumar,  
PB No.8, 235 1st Floor  
Oppanakara Street  
Coimbatore 641 001
- 2.Rajapriya Sivam Enterprises  
D.No .4/49 Tharamangalam Main Road,  
Maramangalathupatty Post,  
Salem 636 030



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3.T.Paramasivam  
S/o. Thangavel,  
D.No.4/10 Maramangalathupatty Post,  
Salem 636 030

4.P.Thangavel  
S/o. Pachianna Gounder  
D.No.8/386 Chinnapattan Kadu  
Maramangalathupatty Post  
Salem 636 030

### Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for records relating to the proceedings of the Chief Judicial Magistrate, Salem in CrI.M.P.No. 13739 of 2024 passed on 28.02.2025 and quash the same as illegal.

For Petitioner: Mr.S.T.Bharath Gowtham  
for Mr.K.Selvakumar

For Respondents: Ms.K.Jayaganga  
for Mrs.Ananda Gomathy  
for respondent No.1

### ORDER

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

Heard.

2. Challenge to an order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security



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Interest Act, 2002 [the Act] by the petitioner based on claim of title cannot be allowed in these proceedings. It appears that the property was secured against repayment of loan by the brother of the petitioner and, later on, when repayment was defaulted, the secured creditor proceeded to take remedy under Section 14 of the Act and an order has been passed.

3. Learned counsel for the petitioner submits that the petitioner is a co-sharer in the property and respondent No.3 could not claim title over the property on the basis of settlement deed executed in his favour by the father, excluding the petitioner. It is also submitted that a civil suit for declaration is already filed and the petitioner prayed for temporary injunction in the suit.

4. The issue relating to title cannot be gone into in these proceedings. Since the petitioner has already approached the civil court, no relief can be granted. It is open for the petitioner to seek appropriate declaration and pray for injunction in the pending suit.



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5. The writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

We make it clear that we have not expressed any opinion on the merits of the claimed title.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)  
12.11.2025

Index : Yes/No  
Neutral Citation : Yes/No  
bbr

To:

The Authorised Officer  
Union Bank of India  
(E-Corporation Bank)  
Asset Recovery Branch,  
PB No.8, 235 1st Floor  
Oppanakara Street  
Coimbatore 641 001



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

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