



WEB COPY



W.P.No.42571 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.42571 of 2025

D.Sreedharan

.. Petitioner

Vs.

Union Bank of India
Namakkal Branch
Rep. By the Authorised Officer cum
Chief Manager
2, Paramathi Road
P.B.No.11, Namakkal 637 002.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to deliver physical possession of the machineries and immovable properties, sold to the petitioner in auction as per sale certificates dated 05.04.2023, pursuant to the order dated 30.05.2025 passed by Chief Judicial Magistrate, Namakkal in CrI.M.P.No. 5372 of 2023, within a timeframe to be fixed by this Hon'ble Court, and it is further prayed that the respondent be directed to take immediate steps to trace and recover the machineries unlawfully removed or stolen by the borrower or its



W.P.No.42571 of 2025

associates and in the event of non-recovery, directing the respondent to reimburse the petitioner, the costs/value of the machineries together with interest, by considering the petitioner's representation dated 15.09.2025.

For Petitioner : Mr.M.Prem Kumar

For Respondents : M/s.K.Jayaganga
For M/s. Ananda Gomathy

ORDER

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

Petition has been filed by auction purchaser seeking issuance of Mandamus for delivery of possession of the auction properties, which include movables and immovables.

2. Learned counsel for petitioner as well as learned counsel for bank would inform the Court that the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by Chief Judicial Magistrate has been challenged by the borrower, by filing an application before the Debts Recovery Tribunal under Section 17 of



W.P.No.42571 of 2025

the Act, wherein, an interim order has been passed.

WEB COPY

3. Once there is an interim order passed by the Debts Recovery Tribunal, no mandamus can be issued. Petitioner's remedy lies in approaching the Debts Recovery Tribunal.

4. The other grievance of petitioner is that the movable properties should not be allowed to be removed. If removal of movable properties takes place, proper inventory should be prepared and petitioner should bring the same to the notice of the Debts Recovery Tribunal by seeking impleadment.

5. With that liberty, petition is closed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
02.12.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

Page 3 of 5



WEB COPY



W.P.No.42571 of 2025

To

The Authorised Officer cum Chief Manager
Union Bank of India
Namakkal Branch
2, Paramathi Road
P.B.No.11, Namakkal 637 002.



WEB COPY



W.P.No.42571 of 2025

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

(kpl)

W.P.No.42571 of 2025

02.12.2025