



WEB COPY



W.P.No.43221 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.43221 of 2025

Canara Bank
Asset Recovery Management Branch
1st Floor, Regional office
Muthaiah Towers
Williams Road
Tiruchirappalli (Trichy) - 620 001.

.. Petitioner

Vs.

1. K.K.Surya Praba
2. Inspector of Police,
Surampatti South Police Station
Teachers Colony
Erode-638 009.
3. M/s.Bharani Pattu Centre, (Borrower)
55-RKV Road, Kongalamman Kovil
Erode-638001.

4. Mahalingam.K.S.
5. Mahadevan.K.S
6. V.J.Sathyasaran
7. M.Priya
8. M.Gunasundari

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent, advocate commissioner to take physical possession of the secured asset within a time frame as may be fixed by this Hon'ble Court with necessary assistance from the 2nd respondent and directing the 2nd respondent to extend all necessary police protection to the 1st respondent for taking physical possession without causing any delay.

For Petitioner : M/s. Hariprasath D.G

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
for Respondent-2

Mr.I.M.Siddartha Ramarajan
for Respondents 3 to 8

ORDER

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

Petition is for issuance of direction to the Advocate Commissioner to take physical possession of the secured asset with police assistance.



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2. We find that in the matter of challenge to the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the Chief Judicial Magistrate, an order was initially passed by the Debts Recovery Tribunal granting conditional stay in favour of the borrower. Later on, it appears that on 10.10.2025, the Debts Recovery Tribunal passed an order recording that the condition, on which the interim order was granted, has not been complied with.

3. On petitioner's own showing, order dated 10.10.2025 has now been placed before the Chief Judicial Magistrate and the proceedings before the Chief Judicial Magistrate have been listed on 14.11.2025 for passing appropriate orders.

4. When the proceedings are pending before the Chief Judicial Magistrate and the case is now to be taken up on 14.11.2025, pursuant to the order passed by the Debts Recovery Tribunal on 10.10.2025, we do not think the writ Court is required to issue any direction at this stage. Petitioner may pursue its application before



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the Chief Judicial Magistrate on the next date of hearing.

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5. Petition is dismissed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
10.11.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

Inspector of Police,
Surampatti South Police Station
Teachers Colony
Erode-638 009.



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

(kpl)

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