



WP(MD). No.6554 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.6554 of 2025
and WMP(MD) No.4826 of 2025

S.Vadivelu

... Petitioner

Vs

The Authorized Officer,
Ujjivan Small Finance Bank Limited,
No.39, Bye-Pass Road,
Near Bank of Baroda,
Vellore - 635 802..

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to impugned proceedings of the Chief Judicial Magistrate, Tenkasi vide Cr.M.P.No.10/2025 and to quash the same as illegal.

For Petitioner : Mr.R.Sankar

For Respondents : Mr.S.Babu



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ORDER

(Order of the Court was made by J.NISHA BANU, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed challenging the impugned order of the Chief Judicial Magistrate, Tenkasi vide Cr.M.P.No.10/2025.

3. The petitioner has availed a loan by mortgaging his property for a sum of Rs.7,60,000/- and Rs.40,00,000/- with the respondent. However, due to COVID-19 Pandemic, since the petitioner could not make the payment, he is termed as a defaulter and his account is classified as NPA and subsequently, SARFAESI proceedings were initiated and notices under Sections 13(2) and 13(4) of the SARFAESI were issued to take symbolic possession. Challenging the same, the petitioner has rightly approached the Debt Recovery Tribunal. However, in the said petition, an Advocate Commissioner was appointed and the Advocate commissioner was directed to take inventories, make



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inspection and take physical possession of the property. Aggrieved by the same, the petitioner is before this Court.

4. We have heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. Since the petitioner has rightly approached the Debt Recovery Tribunal and the Tribunal has also given a direction, we are not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. Consequently connected Miscellaneous Petition is closed. No costs.

[J.N.B.,J]

[S.S.Y.,J]

12.03.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The Chief Judicial Magistrate, Tenkasi.



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AND
S.SRIMATHY, J.

RR

ORDER
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