



W.P(MD)No.12638 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.12638 of 2025

S.Amalraj

... Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Asset Recovery Management Branch,
1st Floor, Circle Office Building,
St. Mary's Campus, East Veli Street,
Madurai-625 001.

2.The Branch Manager,
Canara Bank,
Thallakulam Branch,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to hand over the physical possession of the auction purchased property or to return the petitioner's deposited amount of Rs.98,60,000/- along with 18 percent interest to the petitioner.



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For Petitioner : Mr.M.Sivakumar

For Respondents : Mr.M.Jagadeesh

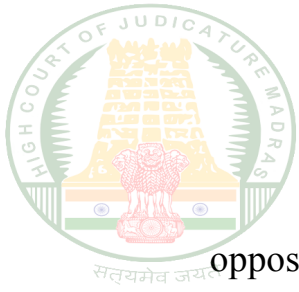
ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted to direct the respondents to hand over the physical possession of the auction purchased property or to return the petitioner's deposited amount of Rs.98,60,000/- along with 18 percent interest to him.

2. Heard Mr.M.Sivakumar, learned counsel for the petitioner and Mr.M.Jagadeesh, learned counsel for the respondents.

3. The relief as such sought for is not entertainable, since the issue has already been decided by the Debts Recovery Tribunal and the first respondent-Bank has also preferred an appeal before the Debts Recovery Appellate Tribunal, which is yet to be taken up for hearing. Therefore, parallel proceedings before the High Court cannot be entertained to



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oppose the proceedings under the relevant provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the SARFAESI Act”).

4. The practice of entertaining writ petitions under the SARFAESI Act has been discouraged by the Hon'ble Supreme Court and it is reiterated that such petitions are not maintainable in view of the judgment in *Celir LLP vs. Bafna Motors (Mumbai) Private Limited and others* reported in (2024) 2 SCC 1.

5. For all the above reasons, this writ petition stands dismissed. However, the petitioner is at liberty to work out his remedy in the manner contemplated under law. There shall be no order as to costs.

[S.M.S., J.] [A.D.M.C., J.]
03.06.2025

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
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and
DR.A.D.MARIA CLETE, J.

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