



W.P.(MD)No.18175 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE S.SRIMATHY

W.P(MD).No.18175 of 2025

and

W.M.P(MD).No.13930 of 2025

1. M/s.Balaji Traders,
Rep. by its Proprietor,
K.Baskar,
S/o.Kaliyaperumal,
No.2681, South Main Street,
Thanjavur.

2. K.Baskar

3. Rajamani

4. Usharani

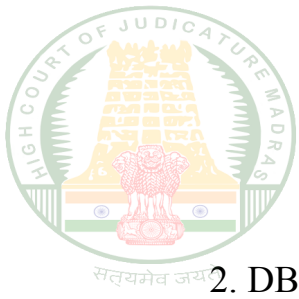
5. Mr.Ijas Ahamed

6. Mrs.Renulatha

... Petitioners

-VS-

1. DBS Bank,
(Formerly the Lakshmivilas Bank Ltd),
South Main Street – 613 009,
Thanjavur Branch,
Represented by its Authorized Officer.



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2. DBS Bank,
(Formerly the Lakshmi Vilas Bank Ltd),
Thanjavur Branch,
Pallivasal Street – 610 001.
Rep. by its Branch Manager.

3. The Authorised Officer,
Asset Reconstruction Company (India) Ltd.,
Rep. by its Authorized Officer,
No.560-562, IG 1st Floor,
Century Plaza, Annasalai,
Thenampet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari calling for the records from the 3rd respondent in notice on 06.06.2025 and set aside the same.

For Petitioners : Mr.N.Balasubramanian
For R1 to R3 : Mr.S.I.Muthiah

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The notice of sale/sale intimation issued by the 3rd respondent viz., the Authorized Officer is under challenge in the present writ petition.

2. Admittedly, the petitioners are the borrower committed default in repayment of loan and action was initiated under the SARFAESI Act. Proceedings initiated under the SARFAESI Act cannot be the subject matter



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of writ proceedings under Article 226 of the Constitution of India. Any proceedings initiated under the Act is susceptible to an appeal before the Debt Recovery Tribunal and that being the legal position, no writ is maintainable in view of the Judgment of the Hon'ble Supreme Court in the case of *Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others* reported in **(2024) 2 SCC 1**.

3. By granting liberty to the petitioners to approach the Debt Recovery Tribunal, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.)

(S.S.Y., J.)

04.07.2025

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NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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S.M.SUBRAMANIAM, J.

and

S.SRIMATHY, J.

rgm

To

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