



W.P.(MD)No.22980 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.22980 of 2025

and

W.M.P.(MD)Nos.18066 & 18068 of 2025

1.M.Libin Mark

2.Pravitha George

... Petitioners

-Vs-

The Manager,
Cholamandalam Investment and Finance
Company Limited,
Dare House, No.2 NSC Bose Road,
Parrys, Chennai-600 001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned notice in NPA Declaration notice dated 14.05.2025 and all further actions in loan agreement No.HL05MRT000071175 dated 28.03.2025 and quash the same and consequently, to direct the respondents to enable one time settlement by arriving correct due after deducting payments.



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For Petitioners : Mr.S.Titus

For Respondent : Mr.V.Sukumar

ORDER

(Order of the Court was made by **G.ARUL MURUGAN, J.**)

Heard the learned counsel on either side.

2.This Writ Petition is filed, challenging the account of the petitioner as Non-Performing Assets (NPA) vide notice dated 14.05.2025 and all further actions in loan agreement No.HL05MRT000071175 dated 28.03.2025.

3.Admittedly, the petitioners had availed loan from the respondent Bank. If there has been any default, as per the regulations of the Reserve Bank of India, the account has to be classified as NPA and only if the account is classified as NPA, further proceedings under SARFAESI Act will be initiated by the secured creditor. After initiation of any procedure under SARFAESI Act and after issuance of notice under Section 13(4) of SARFAESI Act, the petitioners will be entitled to challenge the same, that too before appropriate forum ie., Debts Recovery Tribunal.



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4. Admittedly, no such proceedings are arisen in the present case and it is the stage of declaring the account of the petitioners as NPA. Therefore, the Writ Petition filed by the petitioners is premature. Further, the petitioners will not be entitled to challenge the declaration of NPA at this stage. If at all the petitioners have any grievance, only subsequent proceedings are initiated under SARFAESI Act, they will be entitled to adjudicate all these issues in the appeal.

5. In view of the same, the present Writ Petition filed by the petitioners is not maintainable and it is premature. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (G.A.M., J.)
26.08.2025
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NCC : Yes / No
Index : Yes / No

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