



W.P.(MD)No.22071 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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and

W.M.P.(MD)Nos.17175 & 17176 of 2025

1.R.Arumugam
2.Indhira

... Petitioners

-Vs-

1.Indostar Home Finance Private Limited,
Through its Authorized Officer,
S.Palavasam

2.Chitra
3.Elangovan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of physical possession dated 04.06.2025 made in CrI.M.P.No.11912 of 2024 on the file of the Court of the Chief Judicial Magistrate, Tirunelveli in respect of the petitioner's house property bearing Door No.258, South Street, Pottal, South Kallidaikurichi, Ambasamudram Taluk, Tirunelveli District, which is comprised in S.No.683/2A, South Kallidaikurichi Village and quash the same and consequently,



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forbearing the respondents in any manner from interfering the petitioner's peaceful possession and enjoyment on the property bearing Door No.258, South Street, Pottal, South Kallidaikurichi, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.J.Parekh Kumar

ORDER

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

The Writ on hand has been instituted, challenging the order of the learned Chief Judicial Magistrate, Tirunelveli dated 04.06.2025 in CrI.M.P.No. 11912 of 2024.

2.The said order has been passed under Section 14 of SARFAESI Act and the same is susceptible to appeal under Section 17 of SARFAESI Act. Thus, this Writ Petition is not maintainable, in view of the legal principles settled by the Hon'ble Supreme Court of India in the case of ***Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others*** reported in ***(2024) 2 SCC 1***.



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3.In view of the said judgment, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (G.A.M., J.)
12.08.2025
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NCC : Yes / No
Index : Yes / No

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