



WEB COPY

W.P.(MD) No.23143 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD) No.23143 of 2025

and

W.M.P.(MD) Nos.18189 & 18191 of 2025

N.Alagiya Sunthari

... Petitioner

-vs-

1.The Authorized Officer
City Union Bank Ltd.,
Credit Recovery and
Management Department
Administrative Office No.24B
Gandhi Nagar
Kumbakonam-612 001

2.The Branch Manager
City Union Bank Limited
Madurai SS Colony Branch
Kannadasan Main Street
(Opp. To Vajra Apartment)
S.S.Colony, Madurai-625 010

3.Nagalingam

Page 1 of 5



W.P.(MD) No.23143 of 2025

WEB COPY

Joint Managing Trustee and
Executive Trustee
M/s.Alagiya Sunthari Venkateswari
Educational Trust
Plot No.14, Shanmuganathan
Visithra Vanitha Illam, SKS Nagar
Uthangudi, Madurai-625 107

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pursuant to the impugned auction sale notice of the first respondent dated 05.08.2025 vide C.O./REC/NPA/2025-26 and quash the same.

For Petitioner : Ms.A.Lakshmi
for M/s.Polax Legal Solutions

For Respondents : Mr.N.Dilip Kumar for R1 & R2

ORDER

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

The re-tender-cum-auction sale notice, dated 05.08.2025, issued by the first respondent, under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is sought to be assailed in the present writ proceedings.



W.P.(MD) No.23143 of 2025

WEB COPY

2. The petitioner is admittedly a borrower and she has committed default in repayment of the loan amount. Thus, actions were initiated under the said Act to recover the loan amount.

3. The impugned re-tender-cum-auction sale notice issued under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not amenable to the writ jurisdiction, in view of the legal principles settled by the Honourable Supreme Court of India in the case of ***Celir LLP vs. Bafna Motors (Mumbai) (P) Ltd.***, reported in **(2024) 2 SCC 1**.

4. That apart, the actions initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, are to be resolved by approaching the Tribunal constituted under the said Act.



W.P.(MD) No.23143 of 2025

WEB COPY

5. That being the position, the present writ petition is not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[G.A.M., J.]

25.08.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



WEB COPY



W.P.(MD) No.23143 of 2025

S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

krk

W.P.(MD) No.23143 of 2025
and
W.M.P.(MD) Nos.18189 & 18191 of
2025

25.08.2025