



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2026

WEB COPY

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.4581 of 2026

Anthony Samy
S/o. Arokiyasamy
L-535 Police Colony,
Navalpet, Trichy – 620 026.

..Petitioner(s)

Vs

1. The Chief Manager,
State Bank of India (Est. while State Bank of
Trivancore),
Market Centre,
HAPP Township, Trichy – 620 025.
2. Tamilselvan,
S/o. Palaniyappan,
No.06/846, Happy Nagar,
Poolangudi Colony,
Trichy – 25.

..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus giving directions to the 1st respondent herein, A. To Accommodate the petitioner with a compensation for the damages goods and; B. To permit the petitioner to occupy the 2nd floor of the house at it was not covered by the Auction.

For Petitioner(s): Dr.A.E.Chelliah
Senior Counsel
for Mr.K.Ramanujam

For Respondent(s): No Appearance



ORDER

(Made by G.ARUL MURUGAN, J.)

WEB COPY Heard Dr.A.E.Chelliah, learned Senior Counsel for the petitioner.

2. The writ petition is filed for the following relief:

- (a) To accommodate the petitioner with compensation for the damaged goods; and
- (b) To permit the petitioner to occupy the second floor of the house as it was not covered by the Auction.

3. The learned Senior Counsel appearing for the petitioner contended that, when the order issued by the Chief Judicial Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "the SARFAESI Act") covers only the ground floor and first floor of the property, possession of the second floor of the house cannot be taken from the petitioner. Further, he submitted that the petitioner has to be exempted from paying any amount as rent to the bank and that the bank is liable to compensate for the damage caused to the goods.

4. At the outset, it is to be noted that earlier, the petitioner preferred W.P.No.29945 of 2025 with the following relief:

"For the reasons stated in the accompanying affidavit It is therefore prayed that this Hon'ble Court may be pleased to consider the household items and the items touching the Profession values of

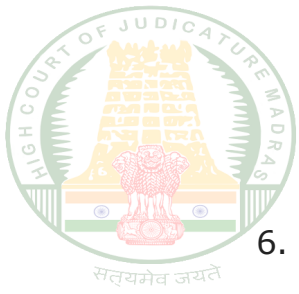


Rs.19,09,000 (Nineteen lacs and nine thousand only) which are shown in detail and explained in our Request-cum-Notice dated 23.04.2025 and issue a Writ of Mandamus or any other Order or Direction in the nature of Writ and direct the respondents to pay Rs.19,09,000 (Nineteen lacs and nine thousand only) to the Petitioner Anthony Samy towards the loss occurred to the Petitioner by the Respondents and pass such further or other orders and thus render justice."

5. The writ petition was disposed of by order dated 10.10.2025 holding that no directions could be issued for payment of any damages and while rejecting such request, this Court had granted liberty to the petitioner to collect the articles from the rented premises and the petitioner was directed to bear the entire rent amount paid by the bank. The relevant portion of the order is extracted hereunder:

"13. Therefore, we are of the view that the petitioner's claim that petitioner was illegally deprived of enjoyment of his properties and other articles required for his profession is without any basis. Accordingly, no directions can be issued in favour of the petitioner for payment of any damages towards alleged loss. The prayer of the petitioner in that regard is rejected.

14. However, the petitioner is at liberty to collect all the articles from the rented premises, which is in the possession of the respondent bank. For this purpose, the petitioner shall appear before the Chief Manager, State Bank of India, HAPP Branch, Trichy on 15.10.2025 at 10.30 a.m. Upon such approach made, the bank shall depute an officer who shall take the petitioner to the rented premises where the items have been kept and the petitioner shall be allowed to remove all the items as per the inventories. A report of panchanama shall also be prepared by the concerned bank official in whose presence the petitioner shall remove the items and the petitioner shall also acknowledge removal of the items. The entire rent amount paid by the bank for the rental premises where the items are kept shall also be indicated to the petitioner and as soon as the petitioner pays the amount to the bank, all the items may be allowed to be removed by the petitioner."



6. Pursuant to the orders of this Court, the petitioner appeared before the bank, an inventory dated 15.10.2025 was prepared and the articles were delivered, which was acknowledged by the petitioner. When all the issues raised by the petitioner were adjudicated in the earlier writ petition and the plea raised, including the claim of damages, was rejected; the petitioner was permitted to take back the materials from the rented premises upon paying the rental arrears to the bank; and the petitioner in compliance with the order had appeared and taken back the articles based on the inventory prepared, he cannot now seek re-adjudication of the issues again before this Court.

7. The claim now sought to be adjudicated by the petitioner is hit by *res judicata* and the earlier order passed by this Court having become final and the same having been acted upon and the materials having been handed over to the petitioner based on the inventory, we see no merits in the reliefs sought in the writ petition.

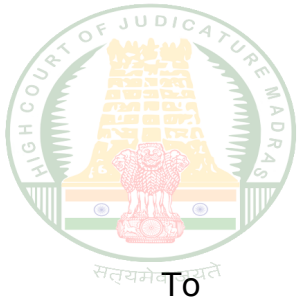
8. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

22.06.2026

Index: Yes/No

Neutral Citation: Yes/No
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W.P.No.4581 of 20



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State Bank of India,
(Est. while State Bank of Trivancore),
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THE HON'BLE CHIEF JUSTICE
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