



WP No. 5104 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 5104 of 2026 AND WMP NO. 5671 OF 2026

G.Mahendran, Son of Late Gopal,
No.140,East Coast Road,
Flat No.1-H,Rear Portion,First Floor,
Sri Sai Subodhya Apartment,
Netaji Nagar,Thiruvanmiyur,
Chennai-600041

..Petitioner

Vs

1. M/s.ICICI Bank Limited,
Having its Corp.Office at.
Plot No.24,South Phase, Ambattur Industrial
Estate, Block No.1,Ambatur, Chennai-600 058,
Rep.by its Authorised Officer, Mr.Velmurugan M.
2. Mr.Ramprasad,
Residing at No.1A,Real Block,Flat No.59,
2B,1st Floor,Sri Subathyaa Flats, Chennai-600 041.
Also at. No.439/4C,439/4CB/A,
Sholinganallur Taluk,Baashyam Pinnacle,
22nd Floor,Kancheepuram,
S.No.439/4C,Chennai,Chennai-600 100
3. Murugesan,
Residing at No.1A,Real Block,Flat No.59,
2B,1st Floor,Sri Subathyaa Flats,
Chennai-600 041.
Also at. No.439/4C,439/4CB/A,
Sholinganallur Taluk,Baashyam Pinnacle,
22nd Floor,Kancheepuram,
S.No.439/4C,Chennai,Chennai-600 100

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for records relating to the impugned order dated 13.01.2026 passed by the Honble Debts Recovery Tribunal-II, Chennai in NDN(SA).No.2158 of 2025.

For Petitioner : Ms.P.Meghana Nair

For Respondents : Mr.C.S.Kabilan Standing Counsel For R1
Respondents 2 And 3 - Notice Dispensed With

Order
(Order of the Court was made by R.Suresh Kumar J.)

This writ petition is filed with a prayer to call for records relating to the impugned order dated 13.01.2026 passed by the Debts Recovery Tribunal-II, Chennai in NDN(SA).No.2158 of 2025. The said application, without being numbered, had been posted for maintainability before the Tribunal.

2. The case of the petitioner before the Tribunal was that, he is a tenant under the private respondents, whose property has already been mortgaged to the first respondent bank. Since the owners of the property who were the borrowers failed to replay the loan, the loan became Non Performing Asset (NPA) and therefore SARFAESI proceedings were initiated under Section 13(2) and 13(4) of the SARFAESI Act (In short 'the Act', followed by proceedings under Section 14 of the Act before the Chief Metropolitan Magistrate / Chief Judicial Magistrate.



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3. The said proceedings under Section 14 of the Act in CrI.M.P.No.13010 of 2025 was allowed by passing an order dated 05.11.2025 by the Chief Metropolitan Magistrate. Claims to have been aggrieved by the said order, the petitioner has preferred NDA (SA) No.2158 of 2025.

4. The Debts Recovery Tribunal (DRT) while considering the maintainability question posed by the registry of the Tribunal held that the application cannot be maintained by the petitioner for the reason that the petitioner who claims to be a tenant under the owners of the property, who are the borrowers of the bank based on the unregistered lease deed, which expired on 25.08.2023. Thereafter, the lease has not been renewed and this became evident when the very petitioner being the tenant has chosen to vacate the premises in question. Therefore, he wanted to get back the amount deposited as advance with the owner of the property.

5. Since the said amount has not been returned by the owner of the property, the petitioner has chosen to go before the Civil Court and filed a civil suit in O.S.No.5530 of 2023 seeking for a decree for recovery of money. The said suit was decreed, based on which, in order to execute the decree an execution petition also was filed by the petitioner in E.P.No.1045 of 2024, where an order of attachment also seems to have been obtained by the petitioner.



6. Thereafter, the petitioner has filed yet another suit in O.S.No.374 of 2025 seeking an order of restraint, not against the secured creditor, but against the owners of the property from vacating the petitioner from the premises in question. That suit also was decreed exparte.

7. Therefore, on the strength of the decrees that were secured in O.S.Nos.5530 of 2023 and 374 of 2025, the petitioner, claiming to be the tenant continued to be in occupation of the property and therefore he also claims to be the 'aggrieved person' over the order that has been passed under Section 14 of the SARFAESI Act and only in that context, the petitioner has moved the present SARFAESI application before the Tribunal.

8. Considering all these factors, the Debts Recovery Tribunal has come to the conclusion that, admittedly the unregistered lease deed expired on 25.08.2023. Thereafter, explicitly or impliedly that has not been renewed, the reason being that, even the petitioner wanted to vacate the premises and issued a notice to the private respondents to return back the deposit money. In order to recover the money, civil suit was filed, which was decreed and subsequently execution petition was also filed.

9. Therefore, it has become abundantly clear that the petitioner has not only ceased to be a tenant of the property in question, but also he does not want to



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continue to be the tenant of the property. Therefore, on the date when the SARFAESI application was moved, the petitioner was no more a tenant of the property and therefore he is not an aggrieved person over any orders passed by the authorities concerned including the order passed by the Chief Metropolitan Magistrate under Section 14 of the Act.

10. Therefore, the Tribunal has ultimately held that the petitioner is not an aggrieved person to maintain the SARFAESI application under Section 17 of the Act before the Debts Recovery Tribunal and thereby the query raised by the Registry of the Tribunal has to be answered in their favour. Therefore, the NDA(SA) No.2158 of 2025 stood dismissed by the order impugned dated 13.01.2026.

11. Heard Ms.P.Meghana Nair for the petitioner and Mr.G.S.Kabilan, learned Standing Counsel for the first respondent bank. In view of the order that is going to be passed in this writ petition, notice to the respondents 2 and 3 is dispensed with.

12. As has been rightly held by the Tribunal, the petitioner since ceased to be a tenant in view of the unregistered lease deed having been expired on 25.08.2023 and it is admitted even by the petitioner that the same has not been renewed subsequently and therefore he wanted to get back the deposit amount from the



owner and approached the civil court and obtained a decree. All this would show that the petitioner is no more a tenant in the property.

13. The exparte decree obtained in O.S.No.374 of 2025 restraining the parties therein from interfering with the physical possession of the petitioner in the premises concerned would not restrain the first respondent bank, who is the secured creditor, since the bank is having the overriding right over any orders passed in view of the provisions of the SARFAESI Act and hence, the provisions invoked by the bank can very well go on. Therefore, the attempt of the petitioner to thwart the proceedings initiated by the bank under the SARFAESI Act cannot be accepted. Hence, the reason and conclusion reached by the Tribunal in the impugned order stating that the petitioner does not have locus to maintain the SARFAESI application has to be accepted by us.

14. Resultantly, the present writ petition is liable to be rejected and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15. At this juncture, learned counsel for the petitioner wants three months time to vacate the premises after getting instant instructions from the petitioner, who is also present before this Court. Considering the request made by the



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petitioner that one of the family member of the petitioner is suffering with some chronic illness, in order to find out alternative accommodation, we deem it appropriate to give two months time from today to the petitioner to vacate the premises. It is made clear that, if the petitioner does not vacate the premises, as per the order passed by the Chief Judicial Magistrate under Section 14 of the SARFAESI Act, coercive steps can be taken by the first respondent / secured creditor in the manner known to law.

(R.S.K.,J.) (S.S.A.,J.)
16-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

The Authorised Officer
M/s.ICICI Bank Limited,
Having its Corp.Office at.
Plot No.24,South Phase,
Ambattur Industrial Estate,
Block No.1,Ambatur,
Chennai-600 058



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AND
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