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W.P.No.4714 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.No.4714 of 2026

1. Bharanidharan
2. Aswini .. Petitioners

Vs.

1. Canara Bank
Rep by its Authorised Officer/Branch Manager
Asset Recovery Management Branch 1
8th Floor, Canara Towers, 524 Anna Salai
Chennai-600 018.

2. The Manager
Canara Bank-Peria Kancheepuram Branch
90/56, Nellukkara Theru
Peria Kanchipuram-631 502

3. Kalaimagal
4. Rudrakalathi
5. Sudha Jaganadhan .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of Declaration, declaring the measures taken by the 1st and 2nd respondents under section 13 of the Securitisation and reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as *ultra vires* the said Act and the Security Interest (Enforcement) Rules, 2002 and as illegal and arbitrary.

For the Petitioners : Mr.Suhrith Parthasarathy

For the Respondents : Mr.R.Sreedhar
Standing Counsel
for R1 and R2



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ORDER

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(Order of the Court was made by R.SURESH KUMAR, J.)

Prayer sought herein is for a writ of declaration, to declare the measures taken by respondents 1 and 2 under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002¹ as *ultra vires* the said Act and the Security Interest (Enforcement) Rules, 2002 and as illegal and arbitrary.

2. The petitioners claim that there is a property at T.S.No.1177/2B in Kancheepuram, belonging to the mother of the petitioners, one *S.Jayanthi*. During her lifetime, the property was mortgaged to the respondent Bank for getting a loan in favour of respondents 3 and 4, who are none other than the sister and brother of the petitioners. Thereafter, the mother of the petitioner died intestate and in the meanwhile, a suit has been filed by the petitioners before the competent Civil Court for partition of the said property and other allied properties.

3. Since the loan account, i.e. advanced loan to respondents 3 and 4, became Non-Performing Asset (NPA), the respondent Bank

¹ For brevity, hereinafter referred to as "the Act of 2002".



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initiated proceedings under the provisions of the Act of 2002, whereby, Section 13 having been invoked and notice under Section 13(4) also having been served, not on the present petitioners, but on the mother's address and thereafter, sale proceedings were taken place and sale has been effected by way of auction and a successful auction purchaser has taken it and in whose favour, namely one *Sudha Jaganadhan*, the sale certificate also was issued on 11.12.2025.

4. Only at that stage, the present petitioners have moved the present writ petition with prayer seeking a declaration that the SARFAESI proceedings initiated by the Bank in respect of the property in question is *ultra vires*.

5. We have heard *Mr.Suhrith Parthasarathy*, learned counsel for the petitioners and *Mr.R.Sreedhar*, learned Standing Counsel appearing for the respondent Bank.

6. We are not impressed with the said submissions made by the learned counsel appearing for the petitioners for the simple reason that, once SARFAESI proceedings have been initiated, where the matter has gone to the extent of completing the sale and sale



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certificate also having been issued in favour of the auction purchaser, at that stage, if at all any attempt has to be made by the present petitioners who claims to be the co-owners of the property in question, which has already been sold in a public auction, they could very well agitate the issue by filing a SARFAESI application before the Debts Recovery Tribunal.

7. Instead, the present writ petition since has been filed, as per the Law having been declared so in a number of cases by the Law Courts, including the Hon'ble Supreme Court, we are not inclined to entertain the present writ petition and the same is liable to be dismissed in limine and therefore, it is dismissed. However, there shall be no order as to costs.

8. At the request of the learned counsel appearing for the petitioners, it is directed not to take physical possession of the property in question, pursuant to the completion of the sale and issuance of sale certificate also, by the auction purchaser or by the Bank or anyone under them for a period of ten days from today, within which, it is open to the petitioners to approach the Debts Recovery Tribunal to initiate appropriate proceedings under the Act of 2002 to defend themselves.



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9. If any condone delay petition is filed before the Debts Recovery Tribunal, the same also could be considered by the Debts Recovery Tribunal on merits.

10. W.M.P.No.5325 of 2026, petition filed to permit the petitioners to file a single writ petition, stands ordered, inasmuch as the petitioners have paid separate set of Court fee. W.M.P.No.5327 of 2026 stands closed.

(R.S.K., J.) (S.S.A., J.)
18.02.2026

Speaking Order/Non-Speaking Order
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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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