



WP No. 7468 of 2026

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 7468 of 2026

M/s. Cholamandalam Investment and
Finance Company Limited
Rep. by its Authorised officer,
Mr.Ashok Kumar, 2nd Floor, PLA Towers,
No.30, Gandhi Nagar, Dindigul Main Road,
Ponnagar, Trichy 620 001.

..Petitioner(s)

Vs

Muthaiyan Ganesan
S/o.Muthaiyan, No.4/1010/8, VIP Nagar,
Thirunaraiyur Near Temple, Nachiyarkovil,
Kumbakonam, Thanjavur 612 602.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus to direct the DRT – II, to hear and dispose of the Securitisation Application bearing S.A.No.17 of 2025 (filed under Section 17 of the SARFAESI Act, 2002), on the file of the DRT -II, as expeditiously as possible and in any event within a stipulated time fixed by this Court.



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For Petitioner(s): Mr.Kishore Balasubramanian

For Respondent(s): -

ORDER

(Order of the Court was made by N.Senthilkumar J.)

Writ Petition has been filed to direct the DRT – II, to hear and dispose of the Securitisation Application bearing S.A.No.17 of 2025 (filed under Section 17 of the SARFAESI Act, 2002), as expeditiously as possible and in any event within a stipulated time fixed by this Court.

2.In view of the order that is going to be passed in this Petition at the admission stage, notice to the respondent is dispensed with.

3.The Secured Creditor is the writ petitioner, the respondent borrowed a sum of Rs.1,40,00,000/- from the petitioner by creating an equitable mortgage by depositing title deeds. The loan account was classified as non-performing asset on 10.04.2024, for default in repayment of the EMIs. Therefore, the petitioner has initiated the SARFAESI proceedings and issued demand notice



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dated 15.04.2024 u/s.13(2) of the Act followed by possession notice dated 21.06.2024 u/s.13(4) of the Act. Later, by order dated 16.12.2024, the Chief Judicial Magistrate, Kumbakonam has passed an order u/s.14 of the Act, permitting the physical possession of the property to be taken by the petitioner. The respondent has challenged the said order of Chief Judicial Magistrate dated 16.12.2024 before the DRT – II, in SA.No.17 of 2025 and the same is still pending. Hence, the present Writ Petition.

4.The learned counsel for the petitioner submitted that as per Section 17 of the SARFAESI Act, the SARFAESI Applications filed before the Debt Recovery Tribunal has to be disposed as expeditiously as possible, within a period of sixty days from the date of such application.

5.It is not in dispute that as per Section 17 of the SARFAESI Act, any application made under the said Act before the Debt Recovery Tribunal shall be dealt with as expeditiously as possible. As the Securitisation Application bearing S.A.No.17 of 2025 is of the year 2025 and since there are huge number of cases pending before the Debt Recovery Tribunal with heavy backlog, there cannot be a priority to the petitioner just because they approached this Court to



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bypass all the pending cases. In the absence of any materials for consideration,
there is no merit in this case.

6.In fine, the Writ Petition is dismissed. No costs.

(R.S.K.,J.) (N.S.,J.)
26-03-2026

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

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To

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