



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. 8904 of 2026

1. Smt.R.Mallika
2. VPR Ramesh

..Petitioner(s)

Vs.

1. The Authorized Officer,
IDBI Bank Ltd, Retail Recovery, Regional Office,
No.37, First Floor, P.M.Towers, Greams Road,
Chennai-600 006.
2. The Authorized Officer/Sale Officer,
IDBI Bank Ltd, No.115, Anna Salai,
P.B.No.805, Saidapet, Chennai-600 015.

..Respondent(s)

calling for the entire records relating to the impugned sale notice in (CIN) -L65190MH2004GO/148838, dated 18.02.2026 issued by the 2nd Respondent and quash the same and consequently direct the 2nd Respondent not to bring the petitioners property in land and building situated at Plot No.10A and 10 B and bearing Door No.7, Parthasarathypuram, T.Nagar, Chennai -600 017 measuring an extent of 3915 Sq. ft. Comprised in Old T.S. No.4693 (OS No.21 and 27) and 4693 Part in O.S. No.17 part 18 Part 21 and 27 Part, New T.S. No.4693/50 of Block No.105, T.Nagar, Village Mambalam Guindy Taluk, Chennai District, and bounded on the North by Parthasarathypuram Road, comprised in Survey No.4693/1 South by Door No.174 Comprised in Survey No.



4693/124 of Block No.106, East By Door No.13, Parthasarathy Puram Road, Comprised in Survey No.4693/51 and West By Door No.17, Parthasarathypuram Road, comprised in Survey No.4693/123 Admeasuring North to South on the Western side -97 feet 9 inches, North to South on the easternside -98 feet, East to South on the northern side-40 feet, and East to West on Southern side -40 feet in all measuring 3915 Sq. Ft. on land and building and situated within the Registration District of Chennai South and Registration sub District of Thyagaraya Nagar.

For Petitioner(s) : Mr.C.Prakasam

For Respondent(s): Mr.S.Parthasarathy
Standing Counsel

ORDER

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

Challenging the sale notice dated 18.02.2026, whereby sale has been fixed on 25.03.2026, the present writ petition has been filed.

2.1. It is opposed by *Mr.S.Parthasarathy*, the learned Standing Counsel appearing for the respondent Bank, on the ground that, as against the impugned sale notice, legal course is available to the petitioner, where the petitioners could approach the Debts Recovery Tribunal by filing a SA under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,¹ therefore, this writ petition is not maintainable.

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



2.2. He would also submit that, totally, there is a due of more than Rs.12 crores, for which, already, an earlier sale notice has been issued, which has been stayed by this Court, where, as a conditional order, Rs.1 crore was directed to be deposited in two instalments, however, even the first instalment so far has not been deposited.

3. Be that as it may, insofar as the present sale notice is concerned, as stated by *Mr.S.Parthasarathy*, the learned Standing Counsel appearing for the Bank, that on 25.03.2026, there were no bidders and therefore, the auction notice became infructuous, hence, the Bank is contemplating to issue a fresh auction notice.

4. The said development is recorded and therefore, the present move made by the petitioners has become infructuous. Hence, this writ petition, on that ground, is liable to be dismissed apart from the other ground of non-maintainability of the writ petition in view of the alternate remedy available before the Debts Recovery Tribunal.

5. Therefore, it is observed that, in case any fresh auction sale notice is issued by the respondent Bank, against which if there is any grievance to the petitioners, they can very well agitate the issue in the manner known to law, especially under the provisions of the SARFAESI Act, 2002, and not by invoking the extraordinary jurisdiction of this Court by invoking Article 226 of the Constitution.



6. Accordingly, this writ petition is dismissed. However, there shall be no order as to costs. Consequently, W.M.P.No.9604 and 9606 of 2026 are closed. W.M.P.No.9602 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 fees.

(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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R.SURESH KUMAR J.
AND
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