IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P. No.14367 of 2026
and W.M.P.Nos.15577 & 15578 of 2026

A.Selvam,
S/o.T.Angamuthu,
S.No.55/2A and 55/2B,
RB Nagar, Vijayanallur,
Ponneri Taluk, Tiruvallur,
Chennai - 600 067. .. Petitioner(s)

Vs

1.Assistant General Manager,
Punjab National Bank,
Circle Sastra Centre-Chennai,
No.769, Second Floor,
Spencer Plaza, Chennai - 600 002.

2.S.Anbu,
Proprietor to M/s.A.K.Industries,
Door No.11, Venkatesh Nagar,
Drivers Colony, Chennai - 600 072.

3.B.Naresh,
S/o.Balakrishnan,
No.1/51, Amman Kovil Street,
Puzhal Post, Sorapattu,
Puzhal, Chennai - 600 066.

4.V.Devi,
W/o.B.Naresh and
D/o Vinayagam,
No.1/51, Amman Kovil Street,
Puzhal Post, Sorapattu,
Puzhal, Chennai - 600 066. .. Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the Debt Recovery Tribunal-III, Chennai, shall record the petitioner's memo dated 20.02.2024, filed *vide* diary No.1761 of 2024 and petitioner's memo dated 23.06.2025, filed *vide* diary No.4991 of 2025 in S.A.No.412 of 2025, in its minutes of proceedings and in the daily order and to give judicial consideration to the matters stated therein.

For Petitioner(s): Mr.N.Sivakumar

ORDER

(Made by G.ARUL MURUGAN, J.)

This writ petition is filed seeking for a direction to the Debts Recovery Tribunal-III, Chennai, to record the Memo dated 20.02.2024 filed by the petitioner in Diary No.1761 of 2024 and the Memo dated 23.06.2025 in Diary No.4991 of 2025 in S.A.No.412 of 2025, in the minutes of proceedings, the daily order and to take the memos into consideration.

2.It is the case of the petitioner that the second respondent had borrowed six separate loans from the first respondent bank, for which the petitioner stood as a guarantor and created security interest over his property in respect of only three loans. Due to default committed by the second respondent, the accounts were classified as NPA and the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as "SARFAESI Act"] came to be initiated. Sale notice dated 27.12.2022 was issued bringing the property of the petitioner for auction. In the e-auction conducted on 18.01.2023, the respondents 3 and 4 became the successful bidders and sale certificates had been issued to them.

3.The petitioner challenged the sale before the DRT-III, Chennai, in S.A.Diary No.2069 of 2023. Even prior to numbering of the application, the DRT, by order dated 07.11.2023, issued notice to the first respondent Bank and directed to file counter along with the documents evidencing their actions right from issuance of sale notice till conclusion of sale and issuance of sale certificate. The first respondent Bank had filed the counter affidavit without furnishing the details as directed by the Tribunal.

4.The learned counsel for the petitioner had filed a memo dated 20.02.2024, bringing it to the notice of the DRT. However, filing of the memo has not been recorded in the minutes of proceedings. Thereafter, the SARFAESI application was numbered in S.A.No.412 of 2025 and again the DRT, had by order dated 27.06.2025, directed the respondent Bank to file its counter. On 09.07.2025, the first respondent bank filed an identical counter affidavit, merely altering the date, without furnishing the specific details directed in the original order. Again, learned counsel for the petitioner had filed a memo, bringing to the notice of DRT about the non-compliance. However, the memo has not been recorded in the minutes of proceedings, which resulted in filing of the writ petition.

5.The learned counsel for the petitioner contended that when the respondent Bank had not filed the counter affidavit with appropriate details as directed by the Tribunal, two separate memos have been filed bringing it to the notice of DRT, however, filing of the memos have not been recorded in the daily orders by the DRT. He vehemently contends that unless the filing of the memos is recorded in the daily orders, the respondent Bank will not furnish the details required and the petitioner may not be in a position to effectively contest the case and, therefore, it is appropriate that the DRT is directed to record the memos in the minutes of proceedings/daily order.

6.Heard the learned counsel for the petitioner and considered the materials available on record.

7.At the outset, we are unable to comprehend the submissions of the learned counsel for the petitioner that unless the filing of memos is recorded in the minutes of proceedings, the bank may not furnish the required particulars, which would result in prejudice to the petitioner. Admittedly, when the DRT had directed the respondent Bank to file its counter along with all the documents evidencing their actions right from issuance of sale notice till conclusion of sale and issuance of sale certificate together with statement of accounts, then, it is for the respondent Bank to file all the required particulars as directed. It is only the claim of the petitioner that the details as directed by the DRT have not been furnished by the respondent bank.

8.Assuming that the details as sought have not been produced, even in the absence of filing any memos by the petitioner's counsel, the DRT will consider its directions issued in respect of the documents to be filed and in case of any non-compliance, it is always open to the DRT to take adverse inference while deciding the application. The petitioner's counsel would in any way bring it to the notice and the DRT will consider all these aspects when the application is finally heard.

9.Further, when the petitioner had filed the memos dated 20.02.2024 and 23.06.2025 in the Diary Numbers 1761 and 4991 respectively, then, those memos filed would automatically form part of the record, which could be pointed out by the petitioners during the hearing of the application. It is for the Tribunal to record the minutes of proceedings and this court cannot interdict in the recording of proceedings or daily orders by issuing a direction as to what should or should not be recorded. As such, the claim made by the petitioner is entirely misconceived and unsustainable.

10.Further, when the petitioner had questioned the proceedings of DRT recorded in the daily orders, it is for him to approach the Debt Recovery Appellate Tribunal as provided under the SARFAESI Act. Section 18 of the SARFAESI Act provides that any person aggrieved by any order made by the DRT under Section 17, may prefer an appeal to the DRAT. The Hon'ble Supreme Court in the case of ***K.Sreedhar v. M/s.Raus Constructions (P) Ltd., [(2023) 11 SCC 169]***, had categorically held that when an alternative statutory remedy is available by way of appeal before the DRAT, the writ petition challenging the order of the DRT under Article 226 of the Constitution of India is not maintainable and shall not be entertained.

11.For all these reasons, the relief as sought by the petitioner cannot be granted. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected interim applications are closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
05.06.2026

Index : Yes/No
Neutral Citation : Yes/No
sri/gya

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

sri/gya

To
Assistant General Manager,
Punjab National Bank,
Circle Sastra Centre-Chennai,
No.769, Second Floor,
Spencer Plaza, Chennai - 600 002.

W.P. No.14367 of 2026

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