



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8746 of 2026

Prabhakaran
S/o. Dharman,
No.B-167, Cheran Ma Nagar,
Villankurichi, Coimbatore - 641 035.

..Petitioner(s)

Vs

1. Canara Bank
Rep.by, Authorized Officer/
Divisional Manager,
Kozhikode, Arm Branch,
Suresh Babu.P
2. M/s. Savute Textiles Pvt.Ltd.,
Rep.by its guarantor,
Arumugam S/o. Late Rengaswamy,
P523 Db Road, RS Puram, Coimbatore.
3. Sri. Arumugham R.
S/o. Late Ranga Swamy,
P523, DB Road, RS Puram, Coimbatore.
4. Smt. Sangeetha B
W/o. Balamurali Probhu,
17A/1, Lalbahadur Colony,
Peelamedu, Coimbatore.

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 of BNSS, 2023 to set aside the return docket order in CrI.M.P.SR.No.1640 of 2026 dated 17.03.2026 passed by the Chief Judicial Magistrate, Coimbatore and direct the Chief Judicial Magistrate, Coimbatore to take on file and number the petition filed by the petitioner u/s. 379 r/w215(1)(b)(i) of BNSS and pass such other or further orders as this Honorable Court.



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For Petitioner(s):
For Respondent(s):

Mr.K.Balasubramaniam
Mr.R. SREEDHAR
FOR R1

ORDER

This criminal original petition has been filed to set aside the return docket order in CrI.M.P.SR.No.1640 of 2026 dated 17.03.2026 passed by the Chief Judicial Magistrate, Coimbatore and direct the Chief Judicial Magistrate, Coimbatore to take on file and number the petition filed by the petitioner u/s. 379 r/w215(1)(b)(i) of BNSS.

2.The petitioner filed a petition under Section 379 r/w 215(1)(b)(i) of BNSS before the Chief Judicial Magistrate, Coimbatore. The same was returned on 16.03.2026 as not maintainable, against which, the present petition.

3.A criminal petition in CrI.M.P.No.1504 of 2025 was filed by Canara Bank before the Chief Judicial Magistrate seeking appointment of an Advocate Commissioner to take possession of the property, which had been attached under Section 14 of the SARFAESI Act. The Chief Judicial Magistrate, by order dated 28.02.2025 ordered the same.

4.According to the petitioner, he is a lawful tenant in respect of the said premises and has been running a TASMAL bar from the year 2014. It is further stated that he has invested more than 40 lakhs in the business. However,, without hearing him, order has been passed. Hence, filed this petition as a third respondent to intervene and to set aside the order passed by the Chief Judicial



Magistrate. Since the petitioner's life is being affected, he ought to have been heard.

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5.Mr.R.Sreedhar, learned counsel appearing for the 1st respondent/Canara Bank strongly opposed the petitioner's contention and submitted that the petitioner had earlier filed S.A.No.387 of 2025 before the Debt Recovery Tribunal, Coimbatore under Section 17(4a) of SARFAESI Act, challenging the order of possession and seeking protection of the tenancy rights. Thereafter, he had filed this petition before Chief Judicial Magistrate. The Chief Judicial Magistrate had rightly found that the petition is not maintainable and returned the same.

6.Considering the submission and on perusal of the material available on record, it is seen that a return of the Chief Judicial Magistrate in not entertaining the petition is proper and does not warrant any interference. If at all the petitioner has got any grievance, he has to approach the appropriate forum either DRT or DRAT. In view of the same, the criminal original petition is dismissed.

08-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. The Chief Judicial Magistrate,
Coimbatore.



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M.NIRMAL KUMAR, J.

sms

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