



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2026

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CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.16239 of 2023

AND

W.M.P.Nos.15631, 15632 & 15634 of 2023

1.M.Rajamanickam,
S/o Munusamy,
Residing at No.19/6,
Gandhi Nagar Main Road,
Virugambakkam, Chennai – 600 092.

2.R.Ramachandran,
S/o M.Rajamanickam,
Residing at No.19/6,
Gandhi Nagar, Main Road,
Virugambakkam, Chennai – 600 092.

3.R.Manimegalai,
W/o M.Rajamanickam,
Residing at No.19/6,
Gandhi Nagar, Main Road,
Virugambakkam, Chennai – 600 092.

4.B.Sivagami,
W/o E.Babu
Residing at No.82,
7th Street, Jayalakshmi Nagar,
Kattupakkam, Chennai – 600 056.

..Petitioner(s)

Vs

1.State Bank of India,
Represented by its Deputy General Manager,
Red Cross Buildings,
32, Montieth Road,
Egmore, Chennai – 600 008.



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2. Reserve Bank of India,
16, Rajaji Salai,
Fort Glacis, Chennai – 600 001.

3. Amier Hamsa Ali Abbas Rawther,
Resolution Professional/Liquidator,
For M/s. Hotel Milestonnez India Private
Limited, IBBI/IPA-001/IP-P01727/2019-
20/12620 No.R094, SBIOA Unity Enclave,
Mambakkam PO, Near Sivan Temple,
Chennai – 600 127.

..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus, calling for the records pertaining to the Account (bearing Account Nos.31612675786-Term Loan & 33063570927- Corporate Loan) maintained by Hotel Milestonnez India Private Limited with the 1st respondent Bank as Non Performing Asset; which was communicated to the petitioners vide letter dated 20.05.2015 and quash the same and consequently, direct all consequent actions and proceedings initiated by the 1st respondent Bank thereto as void and illegal.

For Petitioner(s): Mr. Bharadwajaramasubramaniam

For Respondent(s): No Appearance for R1 & R2

Ms. Jayanthi K.Shah
Ms. Shalma I for R3

ORDER
(Made by G.ARUL MURUGAN, J.)

Heard both sides.

2. The petitioners have preferred the writ petition seeking to quash the classification of the two accounts maintained by M/s. Hotel Milestonnez



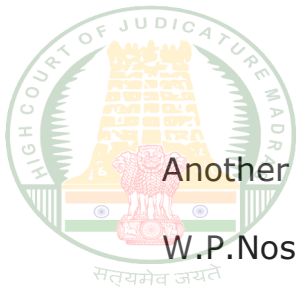
India Private Limited as Non-Performing Asset (NPA) and to direct all consequential proceedings initiated by the bank as void and illegal.

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3. At the outset, it is to be noted that when admittedly the loan accounts pertain to M/s.Hotel Milestonnez India Private Limited, which is a private limited company registered under the Companies Act, 1956, that had availed financial assistance from the first respondent bank, the borrower company is not before this Court. On the contrary, the petitioners seek to quash the declaration of the loan accounts of the company as void, which is not maintainable.

4. Further, even as per the averments in the affidavit, the loan accounts of the company were declared as NPA as early as on 29.06.2013 and a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "SARFAESI Act") came to be issued on 20.05.2015, followed by a possession notice under Section 13(4) dated 07.09.2015. The notice was challenged before the DRT under Section 17 of the SARFAESI Act in S.A.No.434 of 2015.

5. The borrower company had also initiated several proceedings both before the DRT and this Court. The first of those was W.P.No.5075 of 2016, that sought to restrain the bank from taking action pursuant to the possession notice, which came to be dismissed on 11.02.2016.



Another set of writ petitions preferred by the borrower company in W.P.Nos.18281 and 18282 of 2016 seeking to direct the DRT to refer the dispute to the Permanent Lok Adalat was dismissed for non-prosecution on 05.07.2022.

6. Subsequently, an e-auction sale notice was issued, which was challenged by the borrower company before the DRT in S.A.No.67 of 2016 and also a separate application was preferred by the tenant in S.A.No.70 of 2016. Though a conditional interim order was granted by the DRT, the same was not complied with. Later, when further two sale notices were issued, the company preferred S.A.Nos.174 and 175 of 2016 on the file of the DRT-III, Chennai and again obtained a conditional interim order. In the appeal preferred before the DRAT challenging the interim order, a conditional order to pay 25% as pre-deposit was passed. Still, the company preferred W.P.No.31413 of 2016 before this Court seeking extension of time.

7. Again, when the properties of the company were brought to auction under a sale notice dated 06.02.2017, the same was challenged in W.P.No.4650 of 2017, which came to be dismissed. A further writ petition in W.P.No.11808 of 2018 seeking a direction to the bank to extend the time for payment was also dismissed on 12.06.2018. By the petitioners' own admission, all writ petitions filed by the company have been dismissed. Further, the SARFAESI appeals preferred by the company



including S.A.No.106 of 2025 before the DRT Chennai, challenging the sale proceedings are pending.

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8. When all attempts before this Court have ended in failure, it is for the company to adjudicate any of the issues in the applications preferred by them before the DRT. While so, the attempt of the petitioners to adjudicate these issues parallelly before this Court on behalf of the borrower company cannot be allowed and is legally unsustainable. The relief sought by these petitioners is totally misconceived.

9. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

22.06.2026

Index: Yes/No

Neutral Citation: Yes/No

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W.P.No.16239 of 2023



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

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To

1.The Deputy General Manager,
State Bank of India,
Red Cross Buildings,
32, Montieth Road,
Egmore, Chennai – 600 008.

2.The Reserve Bank of India,
16, Rajaji Salai,
Fort Glacis, Chennai – 600 001.

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