IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR. JUSTICE V.LAKSHMINARAYANAN

WP.No.20056 of 2026
and
WMP.No.21446 of 2026

Kumar.R

..Petitioner(s)

Vs.

M/s.State Bank of India
Centralised Retail Asset Management Centre
(CRAMC), Annasalai, Chennai 600 002
Represented by its Authorised Officer,
M/s. Umaa Gopal.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent from taking any coercive steps for a period of three months as requested by him in his representation dated 18.05.2026 submitted to the respondent pursuant to the order in Crl.M.P.No.158 of 2026 dated 21.04.2026 passed by the Chief Judicial Magistrate, Tiruvallur thereby enabling the Petitioner either to redeem the property or to arrange for the sale of the same through private treaty for correct/fair market value.

For Petitioner : Mr.V.Chandrasekaran

For Respondent : Mr.Vaibhav R. Venkatesh

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

The Writ Petition is filed to forbear the respondent from taking coercive action, pursuant to the order passed by the learned Chief Judicial Magistrate, Tiruvallur, enabling the petitioner to redeem the property or to arrange for the sale of the same through private treaty for fair market value.

2. Heard both sides.

3. The writ petitioner, along with his wife, availed two housing loans from the respondent-Bank. They have committed default and their account became a non-performing asset. The respondent-Bank took action under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act'). The respondent-Bank also obtained possession order on 21.04.2026 under Section 14(1) of SARFAESI Act before the learned Chief Judicial Magistrate, Tiruvallur.

4. At this stage, the writ petitioner/borrower has come before this Court. The writ petitioner has not challenged the possession order passed by the learned Chief Judicial Magistrate. He only states that he may be given breathing time of three months, during which time he can liquidate his entire dues.

5. When the matter was listed last week, we had called upon the writ petitioner to file an undertaking affidavit. Today, the same has been filed and it reads as follows:

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)
W.P.No of 2026

Kumar. R
10 W/5 A, Kamarajapandiyan Street,
Bodinayakkanur,
Theni - 625513. ...PETITIONER

-Vs-

M/s. State Bank of India,
Centralised Retail Asset Management Centre (CRAMC),
Annasalai, Chennai - 600 002
Represented by its Authorised Officer,
M/s. Umaa Gopal. ...RESPONDENT

UNDERTAKING AFFIDAVIT OF THE PETITIONER

I, Kumar. R, S/o. Rajan, aged about 51, residing at 10 W/5 A, Kamarajapandiyan Street, Bodinayakkanur, Theni – 625513, do hereby solemnly affirm and state as follows:

1. I am the Petitioner herein and I am well acquainted with the facts of the case.

2. I respectfully submit that the present writ petition is filed praying for the Hon'ble Court shall be pleased to grant an issue a Writ of Mandamus or any other appropriate writ, order or direction forbearing the respondent from taking any coercive steps for a period of three months as requested by him in his representation dated 18.05.2026 submitted to the respondent pursuant to the order in Crl.M.P.No.158 of 2026 dated 21.04.2026 passed by Chief Judicial Magistrate, Tiruvallur thereby enabling the Petitioner either to redeem the property or to arrange for the sale of the same

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through private treaty for correct/fair market value and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

3. I respectfully submit that after taking notice the Respondent Bank has filed a memo on 21.05.2026, by acceding to the request made by the Petitioner. In this background the present affidavit is filed on the following terms:

   (a) That the Petitioner will redeem the property by making the payment of entire dues and in the event of difficulty shall bring the purchaser for the correct/ fair value by facilitating sale through private treaty. The entire exercise of redemption or sale will be completed within three months from 20.05.2026.

   (b) In the meantime, the physical possession of the properties mentioned in the writ petition may not be taken.

4. I respectfully submit the said exercise will benefit both the bank and the borrower as the bank is bound to recover its entire dues within a period of three months from 20.05.2026.

5. I undertake to complete the entire process within three months from 20.05.2026 i.e. on or before 20.08.2026 and will not seek any extension of time under any circumstances.

6. In the event of failure of compliance, I will hand over the possession of the property on the expiry of three months i.e. on 21.08.2026 and I will forgo my right to challenge any further action of the bank.

2nd Page
Corr: Nil

This Hon'ble Court may be pleased to take this affidavit on record and pass orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render Justice.

Solemnly affirmed at Chennai,
on this 20th day of May, 2026
and signed his name in my presence

BEFORE ME

ADVOCATE: CHENNAI
3758/11
K. AMARNATH
NO.261, NLC, Highcourt,
Chennai 104.

3rd Page
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6. Recording the aforesaid undertaking affidavit, we direct the respondent-Bank not to take any coercive action against the writ petitioner exactly for a period of three (3) months from today. It would be open to the respondent-Bank to take further action in case of default by the writ petitioner, in terms of the undertaking affidavit. It is for the writ petitioner to identify a buyer and produce him before the respondent-Bank in the meanwhile.

7. The Writ Petition stands disposed of accordingly. No costs. Connected miscellaneous petition is closed.

(G.R.S.,J.) **(V.L.N.,J.)**
27-05-2026

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

Sni/hvk

To

M/s.Umaa Gopal,
Authorised Officer,
State Bank of India,
Centralised Retail Asset Management Centre
(CRAMC),
Annasalai, Chennai - 600 002.

G.R.SWAMINATHAN J.
AND
V.LAKSHMINARAYANAN J.

Sni/hvk

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