



WEB COPY



WP No.23164 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.23164 of 2024
and WMP Nos.25314 and 25316 of 2024

Vijayakumar Nandalappa

.. Petitioner

-VS-

1. The Branch Manager,
Kotak Mahindra Bank Limited,
7th Floor, Plot No.7, Sector-125,
Noida, Uttar Pradesh 201313.
2. The Branch Manager,
Bajaj Finserv Limited,
No.19/8, Ground Floor,
AKM Colony, R.K.Nagar,
Denkanikottai Road, Hosur 635 109.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to Impugned Demand Notice dated 29.12.2023 and the consequential Possession Notice dated 13.06.2024 issued by the respondent No.1 and to quash the same as illegal and consequentially direct the respondent Nos.1 and 2 to forthwith return the original title deed in Document No.24 of 2019 dated 02.01.2019 on the file of the SRO, Hozur, mortgaged in favour of the petitioner.



WP No.23164 of 2024

For Petitioner : Mr.R.Harikrishnan
For Respondents : Mr.T.Saikrishnan
for R-1
: Mr.M.Arunachalam
for R-2

* * * * *

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This petition filed under Article 226 of the Constitution of India challenges the possession notice dated 13.06.2024 issued by respondent No.1 under Section 13(4) of the SARFAESI Act and consequently, to issue direction to 1st and 2nd respondents to return the original documents.

2. At the outset, we find that the writ petition is not maintainable on two counts: (1) this writ petition has been filed seeking writ of mandamus against the private banks, which are not instrumentalities of the State as defined under Article 12 of the Constitution of India; and (2) the possession notice under Section 13(4) of the SARFAESI Act can only be assailed by availing the statutory remedy of filing appeal under Section 17 of the SARFAESI Act.



WP No.23164 of 2024

WEB COPY

In view of the above, we refrain from entertaining this writ petition and accordingly, the same is dismissed. There shall be no order as to costs. Consequently, the interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)
25.06.2026

Index : Yes/No
Neutral Citation : Yes/No
sra



WEB COPY



WP No.23164 of 2024

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

(sra)

WP No.23164 of 2024

25.06.2026