



W.P.No.27973 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 17.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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&

W.M.P.No.27272 of 2022

S.Muralidharan
S/o.Sundaresan
No.2/740, A6, Sreenidhi Gardern
Andipalayam, Mangalam Road
Tiruppur-641 687.

Petitioner(s)

Vs

1. K.Chocklingam
Prop. M/s.Sakthi Murugan Enterprises
No.9, SVV Complex, 3rd Floor
Sasthri Road, Tennur, Trichy-620 017.
2. Visalakshi
W/o.Sivaprakasam
D/o.VKC Kuruthachalam
No.2, Appa Rao Colony, 2nd Street
Thambaram Sanatorium, Chennai.
3. Sivagami Sundari
W/o.Senthilnathan
D/o.V.K.C Kuruthachalam
No.47/1123 A, Kathir Illam
Sasthiri Road, Vaduthala, Kochi
Kerala-682 023.



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4. K.Chokalingam,
S/o.V.K.C.Kuruthachalam
No.16, Vittal Nagar, Avinashi Road,
Tiruppur-638 601.
5. Manonmani
W/o.V.K.C.Kuruthachalam
No.16, Vittal Nagar, Avinashi Road,
Tiruppur-638 601.
6. M/s.The Tamilnadu Mercantile Bank Ltd.,
Rep. by its Authorized Officer
P.Ambrose Sugantharaj
(Branch Manager)
Having office at 209, Palakkarai Road
Mailam Chandhai
Tiruchirapalli-620 008.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records of Crl.M.P.No.446/2020 dated 13.09.2021 pertaining to the Learned Chief Judicial Magistrate at Tiruppur and quash the same and consequently direct the Chief Judicial Magistrate to appoint advocate commissioner to take physical possession and hand over to the petitioner.

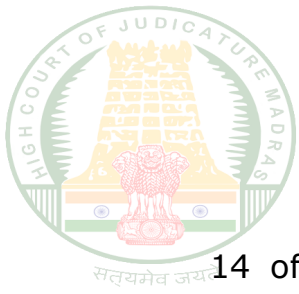
For Petitioner(s): Mr. V.Elango

For Respondent(s): Mr. V.Chandrasekaran for R6

ORDER

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

This petition has been filed under Article 226 of the Constitution of India, assailing the dismissal of the application filed under Section



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14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and seeking consequential direction to the Chief Judicial Magistrate to appoint Advocate Commissioner to take physical possession and hand over same to petitioner.

2. Petitioner is the successful bidder in the auction of the mortgaged property. Therefore, petitioner seeks possession of the property.

3. When there is an alternative remedy available under Section 17 of the Act, against the dismissal of the application under Section 14 of the Act, this petition is not maintainable.

4. If application under Section 17 is filed within a period of four weeks from today, the Debts Recovery Tribunal concerned shall not dismiss the same on the ground of limitation, as, petitioner was pursuing remedy before this Court.



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5. Petition is disposed of. There shall be no order as to costs.

Consequently, the interim application is also dismissed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
17.06.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

M/s.The Tamilnadu Mercantile Bank Ltd.,
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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