



WEB COPY

WP No. 49543 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

**THE HONOURABLE MR JUSTICE SENTHILKUMAR
RAMAMOORTHY**

WP No. 49543 of 2025

1. The Authorized Officer
City Union Bank, Erode Branch,
No.907, Panneerselvam Park, Erode 11

Petitioner(s)

Vs

1. The Sub Registrar
Erode Joint-i, 12, Ganapathypuram,
Karungalpalayam, Erode-638 003.

2.M/s.Hotel Radha Prasad
Rep. By Its Managing Partner,
R.R.Prasad, No.344, Brough Road,
Erode-638 001.

3.R.Radha
S/o.D.M.Ramalingam, Sri Raja
Rajeswari Bhavanam, Oa-13-7th
Street, Rajiv Nagar, Kumaresapuram,
Tiruchengode-637 211.

4.R.R.Prasad
S/o.R.Radha, Sri Raja Rajeswari
Bhavanam, O-a-13-7th Street, Rajiv
Nagar, Kumaresapuram,
Tiruchegode-637 211.

5.P.Keerthi Prasad
S/o.B.Anandan, 1/13, Rajiv Nagar,
Seethramapalayam Village,
Tiruchengode-637 211.



6.R.Savithri
W/o.R.Radha, Sri Raja Rajeswari
Bhavanam, O-a-13-7th Street, Rajiv
Nagar, Kumaresapuram,
Tiruchegode-637 211.

7.Madhanraj H
Rep. By Its Kartha Madhan Raj,
S/o.Ramalingam, Office At D.No.2/5,
Street, No.8, C.H.B. Colony, Velur
Road, Tiruchengode

Now Residing At D.No.230, 4th Cross,
Brindhavan Main Road, Fairlands,
Salem.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 1st respondent to delete the entry bearing No.17 dated 07.10.2022 reflecting the attachment passed by the Commercial Court in C.O.S. No.9 of 2022.

For Petitioner(s): M/s. Ananda Gomathy
Murugesan
K.Jayaganga

For Respondents: Mr.P.Harish, Govt. Advocate for
R1

ORDER

Respondents 2 to 6 had availed of credit facilities from the petitioner. On account of failure to make payments as per the terms of the relevant loan agreement, the account became a non-performing asset. The bank brought the



mortgaged property for sale under the SARFAESI Act. The successful bidder made part payment and had approached the Union Bank of India for a loan in relation to the purchase of the asset. The Union Bank of India noticed that an attachment was reflecting in the encumbrance certificate. Such attachment was made at the instance of the seventh respondent. After endeavouring to file an application before the Commercial Court, the present writ petition has been filed.

2. Learned counsel for the petitioner submits that SARFAESI proceedings were initiated for recovery of a sum of about Rs.31.35 crore and that the amount for which the asset was sold is only Rs.21.45 crore. In spite of endeavouring to file an application to raise the attachment, she submits that the Court was unwilling to receive and consider the same.

3. Mr.P.Harish, learned Government Advocate, accepts notice for the first respondent. He submits that the petitioner should approach the Court concerned to raise the attachment.

4. The petitioner has been unable to consummate a sale of the mortgaged asset in view of the order of attachment. Such attachment was issued in



I.A.No.1 of 2022 in C.O.S NO.9 of 2022 on 03.09.2022. The plaintiff in the suit is the seventh respondent herein and respondents 2 to 6 appear to be defendants in the said suit.

5. Therefore, the interest of justice requires that the request of the bank to raise the attachment be considered by the Commercial Court after providing a reasonable opportunity to the plaintiff and defendants in the said suit. If such application were to be presented by the petitioner, the Commercial Court shall receive and dispose of the same expeditiously, preferably within eight weeks from the .date of receipt of a copy of this order. With these observations, the writ petition is disposed of. Since no orders adverse to the private respondents have been passed and in view of the direction that they be heard before the Commercial Court adjudicates the matter, the writ petition is being disposed of without issuing notice to the private respondents. No costs.

08-01-2026

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

1. The Sub Registrar
Erode Joint-i, 12, Ganapathypuram,
Karungalpalayam, Erode-638 003.



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**SENTHILKUMAR
RAMAMOORTHY J.**

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