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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.P(MD)No.3055 of 2026
and
W.M.P(MD)Nos.2521 and 2522 of 2026**

Subbulakshmi

... Petitioner

.Vs.

The Authorized Officer,
Tamil Nadu Mercantile Bank Limited,
Tiruchendur Branch Road,
Kamaraj College Campus,
Thoothukudi.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned possession notice, dated 24.12.2025 issued by the respondent Bank and quash the same and consequently direct the respondent Bank to regularize the Petitioner's housing Loan Account No. 174700950100275.



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For Petitioner : Mr.C.Ezhilarasu

For Respondent : Mr.N.Dilip Kumar

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN.,J**)

This Writ Petition has been filed to quash the impugned possession notice, dated 24.12.2025 issued by the respondent-Bank and to direct the respondent Bank to regularize the Petitioner's housing Loan Account No.174700950100275.

2.Mr.N.Dilip Kumar, learned counsel takes notice for the sole respondent.

3.The Petitioner herein is a defaulter in payment of the loan amount and was declared as Non Performing Asset, has warranted the respondent-Bank to initiate recovery proceedings. As a consequence, on 17.11.2025, possession notice of the mortgaged property was issued followed by a sale notice. Auction sale is proposed to be held on 13.02.2026.

4.According to the learned counsel for the Writ Petitioner, after possession notice, a portion of the amount has been paid, but



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that has not been reflected in the sale notice. Hence the Petitioner seeks for issuance of a Writ of Certiorarified Mandamus to quash the possession notice, dated 17.11.2025.

5.This Court is of the view that if there is any dispute regarding payment of amount actually outstanding, the Petitioner can work out his remedy before the Debts Recovery Tribunal. The possession notice or the sale notice for the amount due and payable cannot be interfered by this Court, when admittedly the loan amount not cleared by the Writ Petitioner. The exact due payable is a matter of accounts, which has to be reconciled either through private negotiations or through the intervention of Debts Recovery Tribunal. Therefore, we are not inclined to entertain the present Writ Petition.

6.Hence, the Writ Petition stands disposed of, with liberty to the Writ Petitioner to work out his remedy before the Debts Recovery Tribunal, in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

[G.J.,J.] [K.K.R.K.,J.]
04.02.2026

NCS : Yes/No
Index : Yes / No

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Internet : Yes / No

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vsn

To

The Authorized Officer,
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Kamaraj College Campus,
Thoothukudi.

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

vsn



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ORDER MADE IN

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and

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