



W.P(MD)No.4844 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P(MD)No.4844 of 2026

and

W.M.P(MD)Nos.4062, 4064, 4065 & 4067 of 2026

1.M/s.Aarooran Cements,
Represented by its Proprietor
R.Manikandan,
Factory at S.F.No.9/2,
Kolarapatti,
Kunnathur,
Pudukottai – 620 012.

2.M/s.Chalukiya Cements,
Represented by its Proprietor
R.Babu,
Factory at S.F.No.9/4A-4B,
Kolarapatti,
Viralimalai,
Pudukkottai – 620 012.

... Petitioners

Vs.

M/s.City Union Bank Limited,
Represented by its Authorised Officer,
Administrative Office at
No.24-B, Gandhi Nagar,
Kumbakonam – 612 001.

... Respondent



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Re-Tender Cum Auction Sale Notice dated 02.02.2026 and the Dinamani Newspaper Auction Sale Advertisement dated 03.02.2026 issued by the Respondent, insofar as they include the non-hypothecated cement blending machineries of the Petitioners under Schedule-D, and quash the same as illegal, arbitrary, without jurisdiction and further direct the Respondent to permit the Petitioners and/or their authorised representatives to visit, inspect and assess the factory premises where the said machineries are situated for maintenance, valuation and lawful disposal.

For Petitioners : Ms.S.Yogalakshmi

For Respondent : Mr.N.Dilip Kumar
Standing Counsel

JUDGMENT

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

Heard both sides.

2.The petitioner challenges the re-tender cum auction sale notice issued by the respondent Bank under the relevant provisions of the SARFAESI Act and the Rules framed thereunder. The contention urged by the learned counsel for the writ petitioner is that properties which were not hypothecated to the bank are being brought to sale.



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3. We are not impressed with this contention for two reasons:

a) The petitioner can directly approach the Debts Recovery Tribunal (DRT) and assail the impugned notification. The Hon'ble Supreme Court has repeatedly deprecated the practice of entertaining challenges to SARFAESI proceedings directly by the High Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

b) secondly, it is not as if the respondent has endeavoured to bring the petitioner's properties to sale for the first time. Earlier, when action was taken under Section 13(4) of the SARFAESI Act, the petitioner moved the Tribunal by filing S.A.No.576 of 2025. The Tribunal passed a conditional order of stay on 25.04.2025. It is admitted that the petitioner cleared only the first two installments and committed default in paying the remaining four installments. The contention now urged before us was also raised before the Tribunal. In these circumstances, it is only just and proper that the petitioner approaches the Tribunal once again. We do not inclined to entertain the writ petition at this stage.



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4.This writ petition stands dismissed with the aforesaid liberty. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [R.K.M, J.]
20.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA



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G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

MGA

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