



W.P(MD)No.7180 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

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Union Bank of India,
Asset Recovery Branch,
No.235, 1st Floor,
Oppanakara Street,
Coimbatore - 641 001,
Represented by its Chief Manager and Authorised Officer,
A.Bimal Sukumar. ... Petitioner

VS.

1.M/s.Vaishali New Chemicals,
Represented by its Proprietor,
M. Jayaprakash,
No.C-28, Private Industrial Estate,
SIDCO, Sundarapuram,
Coimbatore - 641 024.

Also at Ft Warehouse, LIC Colony, Kurichi,
Coimbatore – 641 008.

2.M.Jayaaprakash

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3. Dharani Devi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records with respect to the returns made by the registry of the learned Chief Judicial Magistrate, Thiruchirapalli in Crl.M.P.Sr.No.38782 of 2025 and quash the same as being unreasonable and not maintainable and consequently direct the learned Chief Judicial Magistrate, Thiruchirapalli to number the application filed by the petitioner Bank under Section 14 of the SARFAESI Act in Crl.M.P.Sr.No.38782 of 2025 and dispose of the same on merits within a time frame stipulated by this Court.

For Petitioner : Ms.Ananda Gomathy

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner has filed the present Writ Petition seeking to quash the returns made by the Registry of the Court of the learned Chief Judicial Magistrate, Tiruchirappalli, in Crl.M.P.SR.No.38782 of 2025, and consequently direct the learned Chief Judicial Magistrate, Tiruchirappalli, to



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number the application filed by the petitioner Bank under Section 14 of the SARFAESI Act and dispose of the same on merits.

2. According to the petitioner, the Union Bank of India sanctioned credit facilities to the first respondent, secured by an equitable mortgage dated 16.03.2023, constituting a continuing security for present and future liabilities. Upon default, the account was classified as a Non-Performing Asset, and proceedings under Sections 13(2) and 13(4) of the SARFAESI Act were initiated. Thereafter, the petitioner filed an application under Section 14 of the Act seeking assistance for taking physical possession of the secured asset. However, the Registry of the Court of the learned Chief Judicial Magistrate, Tiruchirappalli, repeatedly returned the application insisting on production of a supplemental Memorandum of Deposit of Title Deeds for the additional facility, despite the existence of a continuing security. Even after the matter was mentioned before the learned Chief Judicial Magistrate, the application was not taken on file. Aggrieved by the same, the present Writ Petition has been filed.



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3.The learned counsel appearing for the petitioner submitted that the equitable mortgage created on 16.03.2023 is a continuing security and legally covers the additional overdraft facility sanctioned on 27.02.2024, and therefore, no separate Memorandum of Deposit of Title Deeds is required.

4.On perusal of the impugned return, it is seen that the application has been returned on the ground that another Memorandum of Deposit of Title Deeds has to be uploaded and that there is a discrepancy in the extent of the property as reflected in the CERSAI report.

5.In our considered view, once the existence of a mortgage is established, the learned Chief Judicial Magistrate, Tiruchirappalli, cannot go into such aspects in detail, as the exercise under Section 14 of the SARFAESI Act is primarily ministerial in nature. Therefore, the return made by the Registry is not sustainable. Accordingly, the learned Chief Judicial Magistrate, Tiruchirappalli, is directed to number CrI.M.P.SR.No.38782 of



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2025 and pass orders on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

[N.S.K.,J.] [M.J.R.,J.]
17.03.2026

NCC : Yes / No
Index : Yes / No
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To

M/s. Vaishali New Chemicals,
Represented by its Proprietor,
M. Jayaprakash,
No.C-28, Private Industrial Estate,
SIDCO, Sundarapuram,
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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

ps

ORDER MADE IN
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DATED : 17.03.2026