



W.P(MD)No. 5920 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :04.03.2026

CORAM:

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

W.P(MD)No. 5920 of 2026

Indian Bank,
rep. by its Chief Manager & Authorised Officer

... Petitioner

Vs

The Chief Judicial Magistrate,
Srivilliputhur,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the learned Chief Judicial Magistrate, Srivilliputhur, Virudhunagar District, to pass final orders in Crl.M.P.No. 48 of 2025 in CNR No. TNVR020001752025 on its file forthwith on merits within such time frame as may be fixed by this Court.

For Petitioner : Mr. N.Dilipkumar



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ORDER

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

The present writ petition has been filed to direct the learned Chief Judicial Magistrate, Srivilliputhur, Virudhunagar District, to pass final orders in CrI.M.P.No. 48 of 2025 in CNR No. TNVR020001752025.

2. The grievance of the writ petitioner is that the borrower has borrowed a sum of Rs.29,70,00,000/- and due to default, they filed an application under Section 14 of the SARFAESI Act, 2002, for taking possession, which has been challenged before this Court. This Court directed that till the one-time settlement proposal is considered, no further proceedings shall be taken. In that context, earlier application under Section 14 of the Act has not been processed.

3. It is further stated that in the meantime, the borrower's request for one-time settlement has been rejected by the Bank by order dated 05.08.2023. Subsequently, the petitioner Bank has filed a fresh application under Section 14 of the Act, on 27.01.2025. However, instead



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of passing order, the Chief Judicial Magistrate has referred the parties to mediation. Hence, it is the contention of the learned counsel that the order has to be passed under Section 14 of the Act by the Chief Judicial Magistrate only as a ministerial act. Therefore, the matter is still pending for more than one year and the Bank is not in a position to take steps to secure the assets. Hence, he seeks direction.

4. Heard both sides and perused the records.

5. The application filed under Section 14 of the Act should be disposed of within 30 days. The Apex Court, in ***R.D.Jain and Company vs. Capital First Limited and others reported in (2023) 1 SCC 675***, has categorically held that while passing order under Section 14 of the Act, the powers of the Chief Judicial Magistrate are only ministerial in nature and no judicial adjudication is attracted. If that being the position, the application has to be disposed of and the order has to be passed within mandatory period as stipulated. Instead of passing order, keeping the matter pending for more than one year is not correct as per law. Hence, this Court directs the Chief Judicial Magistrate to pass orders on the



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application filed in Crl.M.P.No.48 of 2025 under Section 14 of the Act by the petitioner within thirty (30) days from the date of receipt of a copy of this order.

6. With the said observations, this Writ Petition is disposed of. No costs.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

[N.S.K., J.] & [M.J.R., J.]
04.03.2026

To
The Chief Judicial Magistrate,
Srivilliputhur,
Virudhunagar District.



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N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

apd

ORDER MADE IN

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