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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.7538 of 2026

and

W.M.P.(MD)Nos.6168 and 6170 of 2026

Sivasakthi Sundarapandi

... Petitioner

Vs.

1.The Authorised Officer,
Motilal Oswal Home Finance Limited,
CIN:U65923MH2013PLC248741,
Regd.Office:Motilal Oswal Tower,
Rahimtullah Sayani Road,
Opp.Parel Street Depot,
Prabhadevi,
Mumbai-400 025.

2.The Sub Inspector of Police,
Checkanurani Police Station,
Madurai.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the learned Chief Judicial Magistrate Court, Madurai in Cr.M.P.No.8461 of 2025 dated 09.01.2026 and 18.02.2026 quash the same as illegal and consequently directing the



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respondent bank to furnish the statement of loan account for one time settlement.

For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondents : Mr.K.Sanjay Gandhi (R2)
Government Advocate

ORDER

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

This writ petition is filed challenging the order passed by the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.8461 of 2025 dated 09.01.2026 and 18.02.2026 appointing an Advocate Commissioner to take possession of the secured asset with the assistance of the concerned Police officials.

2.The learned counsel for the petitioner submits that the petitioner and his husband availed loan to the tune of Rs.14,94,138/- from the first respondent by creating an equitable mortgage. Since there was default in repaying the loan account, proceedings under the provisions of the SARFAESI Act has been initiated. In the meantime, the husband of the petitioner died. Since the property was brought under auction, the petitioner filed an application in S.A.No.267 of 2025 dated 28.03.2025 before the Debt Recovery



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Tribunal, Madurai and the same is pending. Whileso, the respondent Bank had approached the learned Judicial Magistrate, Madurai in CrI.M.P.No.8461 of 2025 with a prayer to take physical possession of the secured asset, which is a residential house. The learned Judicial Magistrate, without issuing any notice to the petitioner, has passed an order dated 09.01.2026 permitting the respondent to take physical possession of the property.

3.The learned counsel for the petitioner submits that though notice has been served on the respondent bank in the proceedings initiated by the petitioner under the provisions of the SARFAESI Act in S.A.No.267 of 2025, the respondent bank has not entered appearance. Without responding to the said notice, the respondent bank, behind the back of the petitioner, has obtained the order impugned in this writ petition. She further submits that the petitioner is ready to pay the entire outstanding amount due to the respondent bank. Hence, he seeks necessary direction.

4.Heard the learned counsel for the petitioner and perused the materials placed on record.



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5.Considering the submission made by the learned counsel for the petitioner that the petitioner is willing to pay the entire outstanding amount due to the respondent Bank, and further taking into account the fact that the petitioner has already initiated proceedings under the provisions of the SARFAESI Act, this Court directs the petitioner to deposit the entire outstanding amount before the Debts Recovery Tribunal forthwith. Upon such deposit, and in view of the urgency expressed by the petitioner, the Debts Recovery Tribunal is directed to take up the application filed by the petitioner S.A.No.267 of 2025 and dispose of the same on merits and in accordance with law.

6.With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
18.03.2026

Index :Yes/No
Internet :Yes
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Note: Issue order copy on 18.03.2026



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To

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Revenue Divisional Officer,
Sankarankovil Division,
Sankarankovil, Tenkasi District.
3. The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tenkasi District.



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

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