



W.P(MD)No.7775 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

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

**W.P(MD)No.7775 of 2026
and
W.M.P(MD)Nos.6350 & 6352 of 2026**

K.Suresh

... Petitioner

vs.

**1.The Branch Manager,
Aadhar Housing Finance Limited,
Office at No.22, Opposite Convent School,
Periyakulam Main Road,
Allinagaram,
Theni – 625 531.**

**2.The Authorized Officer,
Aadhar Housing Finance Limited,
Office at No.22, Opposite Convent School,
Periyakulam Main Road,
Allinagaram,
Theni – 625 531.**

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed under Section 14 of SARFAESI Act by the learned Chief Judicial Magistrate, Theni in CrI.M.P.No.788 of 2026 dated 11.03.2026 and quash the same.

For Petitioner : Mr.P.Venkatesan

ORDER

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

A challenge has been made to the impugned order dated 11.03.2026 passed in CrI.M.P(MD)No.788 of 2026 under Section 14 of the SARFAESI Act, whereby the learned Chief Judicial Magistrate, Theni, has ordered taking possession of the secured assets by the Bank.

2.It is the case of the petitioner that he, being an employee in a private concern, had availed two housing loans from the second respondent in the years 2020 and 2022, for sums of Rs.6,27,929/- and Rs.4,21,094/- respectively, by mortgaging the schedule-mentioned property. The petitioner contends that he had been regularly repaying the loan amounts.



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3. According to the petitioner, the respondents, without properly considering the repayments made, abruptly classified the loan account as a Non-Performing Asset and initiated proceedings under the SARFAESI Act, including issuance of notice under Section 13(2), claiming a total outstanding of Rs.11,84,514/- with future interest. The petitioner submits that he had approached the respondent Bank seeking reschedulement of the loan and had also submitted a representation dated 19.02.2026, stating that payments had been made continuously up to January 2026. However, the respondents allegedly failed to furnish the loan statement and proceeded with the SARFAESI action without due consideration.

4. The petitioner further contends that the impugned proceedings are contrary to the facts and in violation of the procedure prescribed under the Act and were initiated with mala fide intention. It is also stated that the secured property is worth more than Rs.80 lakhs and, based on the respondent's representations, the learned Chief Judicial Magistrate, Theni,



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has passed the impugned order, thereby creating an apprehension that the petitioner may lose possession of the property, resulting in irreparable loss.

5.The petitioner further contends that the secured asset is a dwelling house and that he is ready and willing to repay the outstanding amount.

6.In view of the above, this Court is not inclined to entertain the Writ Petition. However, liberty is granted to the petitioner to approach the Debts Recovery Tribunal, by filing appropriate proceedings, within a period of one week from the date of receipt of a copy of this order.

7.With the above liberty, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
23.03.2026

NCC : Yes / No



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Index : Yes / No

Internet : Yes

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ORDER MADE IN
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