



W.P.(MD) No.8245 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2026

CORAM:

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.8245 of 2026
and
W.M.P.(MD) Nos.6742 & 6743 of 2026

Jeyakumar

... Petitioner

-vs-

1.The Authorized Officer
Tamilnad Mercantile Bank Ltd.,
Thoothukudi Port Trust Branch
A-3, Vilsons Plaza
Harbour Estate
Thoothukudi

2.M.Muthu Selvam
S/o.Muthuraj
Proprietor of
M/s.MRS Technologies
D.No.212, V.E.Road
Near VOC Market
Thoothukudi

3.Parameswari

4.S.Daniel

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the learned Chief Judicial Magistrate, Thoothukudi, in Crl.M.P.No.77 of 2026, dated 17.02.2026, and quash the same as unconstitutional and consequently direct the 1st respondent to release the petitioner's house property located at Door Nos.155B and 155C, Survey No.TS.No.324, Sivanthakulam Road, Thoothukudi, which is attached by the first respondent bank.

For Petitioner : Mr.J.Sivaram

For Respondents : Mr.N.Dilip Kumar
Standing Counsel for R1

O R D E R

[Order of the Court was made by MR.N.SATHISH KUMAR, J.]

This writ petition has been filed challenging the order dated 17.02.2026, passed by the learned Chief Judicial Magistrate, Thoothukudi, in Crl.M.P.No.77 of 2026, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,



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2002 (in short, "SARFAESI Act)", directing to take physical possession of the secured asset.

2. According to the petitioner, his mother is the borrower and now, she is no more. In such circumstances, the impugned order has been passed.

3. We are of the view that since the loan availed by the borrower became Non Performed Asset (NPA), the respondent – Bank initiated proceedings under Section 13 of the SARFAESI Act and the impugned order has been passed by the learned Chief Judicial Magistrate under Section 14 of the SARFAESI Act. The impugned order passed by the learned Chief Judicial Magistrate exercising power under Section 14 of the SARFAESI Act is purely ministerial to assist the secured creditor to take possession of the secured asset. As against the order passed under Section 14 of the SARFAESI Act, the petitioner is having appeal remedy before the Debts Recovery Tribunal. Therefore, it is for the petitioner to work out his remedy before the Debts Recovery Tribunal.



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4. In view of the above, this writ petition is dismissed granting liberty to the petitioner to approach the Debts Recovery Tribunal and work out his remedy in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

[SUSHRUT ARVIND DHARMADHIKARI, C.J.]

[N.SATHISH KUMAR, J.]

30.03.2026

NCC : Yes / No

Index : Yes / No

krk

To:
The Chief Judicial Magistrate,
Thoothukudi.



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THE HON'BLE CHIEF JUSTICE
and
N.SATHISH KUMAR, J.

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and

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