



W.P(MD)No.9914 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 08.04.2026

CORAM

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

W.P(MD)No.9914 of 2026

URGO Capital Limited,
Represented by its Authorized Officer
Mr.Aravindan, S/o. Neethivendan
No.48A, 3rd Floor New Millennium Complex,
By pass Road, Pethaniapuram-2,
Kalavasal, Madurai- 625 016.

... Petitioner

Vs.

1. Kowsalya Sarees
Indra Nagar,
No.38 Palani Post,
Palani, Near Water Tank,
Dindigul - 624 601.

2. S. Senthilkumar

3. Magudeeswari Senthilkumar

... Respondents

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, Dindigul, to dispose of the case in CrI.M.P.No.3357 of 2025 on the file of Learned Chief



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Judicial Magistrate, Dindigul, filed under section 14 of SARFAESI Act for taking physical possession of the property stated in CrI.M.P.No.3357 of 2025 within a stipulated time that may be fixed by this Honourable Court.

For Petitioner : Mr.R.Jaswanth Ram
for Mr.C.Sundaravadivel

ORDER

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

The prayer in this writ petition is to issue a Writ of Mandamus, directing the learned Chief Judicial Magistrate, Dindigul, to dispose of the case in CrI.M.P.No.3357 of 2025 filed under Section 14 of the SARFAESI Act, for taking physical possession of the property stated therein within a time frame.

2. The case of the petitioner is that the respondents borrowed loans from the petitioner / finance company for business purpose. They committed default and therefore the schedule of properties was classified as non performing asset. The petitioner issued



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demand notice under Section 13(2) of the SARFAESI Act on 17.03.2025. Even thereafter, since the respondents failed to repay the loan, possession notice under Section 13(4) of the SARFAESI Act was issued and thereafter, the petitioner filed a petition in CrI.M.P.No.3357 of 2025 under Section 14 of the SARFAESI Act. It is further submitted that on the first hearing, the 2nd respondent filed a petition stating that O.S.No.472 of 2014 with regard to the secured property, is pending before the Additional Sub Court, Palani. Citing the pendency of the said suit, the respondents sought time on nine occasions from 24.11.2025 till 24.03.2026 and the learned Chief Judicial Magistrate also granted adjournments, which according to the petitioner is arbitrary. Hence, the petitioner has filed this writ petition for disposal of Section 14 petition.

3. Heard and perused the records.

4. 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 SARFAESI Act, the powers of the Chief Judicial Magistrate are only ministerial in nature and



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no judicial adjudication is attracted. If that be the position, the application has to be disposed of and the order has to be passed within the mandatory period as stipulated. Instead of passing the order, keeping the matter pending citing pendency of the civil suit is not correct as per law.

5. In view of the above, this Court directs the Chief Judicial Magistrate, Dindigul, to pass orders on the petition in Crl.M.P.No.3357 of 2025 filed under Section 14 of the SARFAESI Act, within a period of two weeks from the date of receipt of a copy of this order.

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

[N.S.K., J.] & [M.J.R., J.]
08.04.2026

Index : Yes / No
Neutral Citation : Yes / No
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N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

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ORDER MADE IN
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DATED : 08.04.2026