



W.P(MD)No.14788 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P(MD)No.14788 of 2023

and

W.M.P(MD)Nos.12473 & 12474 of 2023

A.Shanura Begum

... Petitioner

Vs.

Magma Fincorp Limited,
No.24, Part Street,
Kolkatta – 700 016.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records impugned possession Notice dated 10.06.2021 issued by the respondent and quash the same and consequently restraining the respondent from taking further actions under SARFAESI ACT pertaining to the Loan Agreement No.HM/0128/H/17/100222 dated 30.09.2021.

For Petitioner : Mr.R.Sharath

For Respondent : Mr.V.Kasirajan



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JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.What is under challenge is a mere notice under Section 13(2) of the SARFAESI Act.

3.It is well settled that a notice issued under Section 13(2) cannot be assailed. In any event, the Hon'ble Supreme Court in the decision reported in **2010 (8) SCC 110 (United Bank of India Vs Satyawati Tondon & Others)** had held as follows:

“43.The High Court overlooked the settled law that the High Court will ordinarily not entertain a petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person and that this rule applies with greater rigour in matters involving recovery of taxes, cess, fees, other types of public money and the dues of banks and other financial institutions. In our view, while dealing with the petitions involving challenge to the action taken for recovery of the public dues, etc., the High Court must keep in mind that the legislations enacted by Parliament and State



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Legislatures for recovery of such dues are code unto themselves inasmuch as they not only contain comprehensive procedure for recovery of the dues but also envisage constitution of quasi judicial bodies for redressal of the grievance of any aggrieved person. Therefore, in all such cases, High Court must insist that before availing remedy under Article 226 of the Constitution, a person must exhaust the remedies available under the relevant statute.

...

55.It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with greater caution, care and circumspection.”

4.The remedy of the writ petitioner is only to go before the jurisdictional Debt Recovery Tribunal. The writ petition is not maintainable.



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5.This Writ Petition stands dismissed. No costs. Consequently,

connected miscellaneous petitions are closed.

[G.R.S., J.] [R.K.M, J.]
06.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

Magma Fincorp Limited,
No.24, Part Street,
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G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

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