



W.P(MD)No.14947 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.06.2026

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

W.P(MD)No.14947 of 2026

Dr.Thirumalai Raja

... Petitioner

Vs.

1. The Branch Manager,
Canara Bank, Palani Branch,
Dindigul District.

2. The Inspector of Police,
Palani Town Police Station,
Palani, Dindigul District.

3. The Village Administrative Officer,
Palani Town, Dindigul District.

4. T.Balaji
Advocate Commissioner,
U1, Indra Nagar 2nd Street,
Thadikombu Road, Collectorate Post,
Dindigul - 624 004.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents, particularly the 4th respondent, from taking possession of the petition mentioned property pursuant to the order dated 28.08.2023 passed in CrI.M.P.No.15739 of 2023 by the Chief Judicial Magistrate, Dindigul, on the basis of the stale and unexecuted warrant issued thereunder, except by obtaining fresh orders in accordance with law.



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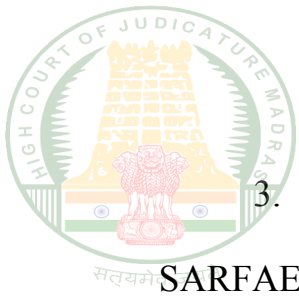
For Petitioner : Mr.F.Deepak for Mr.S.Madhavan
For R1 : Mr.C.Deepak
For R2 : Mr.I.Murugesan, Government Advocate
For R3 : Mr.B.Saravanan, Senior Counsel, for
Mr.M.P.Senthil, Counsel for Government of Tamilnadu

ORDER

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

The prayer in this writ petition is to issue a Writ of Mandamus, forbearing the respondents, particularly the 4th respondent, from taking possession of the petition mentioned property pursuant to the order dated 28.08.2023 passed in CrI.M.P.No.15739 of 2023 by the Chief Judicial Magistrate, Dindigul, on the basis of the stale and un-executed warrant issued thereunder, except by obtaining fresh orders in accordance with law.

2. The main contention of the learned counsel for the petitioner is that order passed under Section 14 of the SARFAESI Act as early as on 28.08.2023 has not implemented so far. However, now suddenly, the Commissioner issued a notice to take possession of the secured asset. According to the learned counsel, such course is not permissible and the warrant initially issued by the learned Chief Judicial Magistrate, Dindigul, in the year 2023, for a specific period cannot be now used to take possession of the secured asset, unless the same is extended or modified by the same Court.



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3. We are of the view that orders passed under Section 14 of the SARFAESI Act cannot be compared and treated as warrant under the criminal proceedings. The purpose of issuance of warrant to the Advocate Commissioner under Section 14 of the SARFAESI Act is to enable the secured creditor to take possession of the secured asset. The procedure for execution of the warrant in the criminal case cannot be strictly applied while taking possession of the secured asset under the SARFAESI Act. Thus, we do not find any merits in this writ petition.

4. Accordingly, the Writ Petition is dismissed. No costs. It is for the petitioner to approach the Bank for any settlement.

[N.S.K., J.] & [M.J.R., J.]
04.06.2026

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Inspector of Police,
Palani Town Police Station,
Palani, Dindigul District.

2. The Village Administrative Officer,
Palani Town, Dindigul District.



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

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ORDER MADE IN
W.P(MD)No.14947 of 2026
DATED : 04.06.2026