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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.35 of 2026

and

W.M.P.(MD) No.9 of 2026

ICICI Home Finance Company Ltd.,
rep.by its Authorised Officer
Rakesh Yadav
S/o.Venkata Krishna
Lakshmi Vaults, 2nd Floor
75-D, Salai Road
Thillai Nagar
Trichy-620 012

... Petitioner

-vs-

1.Sathakkathullah.K

2.Mumtaj.K

3.Sheik Kabeer.K

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of mandamus directing the learned Chief Judicial Magistrate,



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Pudukkottai, to dispose the application filed under Section 14(1) & (2) of SARFAESI Act pending on his file in Cr.M.P.No.34 of 2025 within stipulated time as fixed by this Court.

For Petitioner : Mr.R.Gandhi, Senior Counsel
assisted by Mr.A.Balaji

For Respondents : Mr.C.Mahadevan

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The secured creditor has filed this writ petition seeking a direction to the Chief Judicial Magistrate, Pudukkottai, to dispose the application filed under Section 14(1) and (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 pending on his file in Cr.M.P.No.34 of 2025 within stipulated time.

2. The case of the petitioner is that though the learned Chief Judicial Magistrate has allowed the application filed under Section 14 of the SARFAESI Act way back on 10.10.2025, the Advocate Commissioner appointed thereunder has failed to execute the said warrant and deliver the



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possession of the property to the secured creditor. It is stated that though subsequently the Advocate Commissioners were changed, the position as on date did not change and the property could not be secured till date. In these circumstances, the present writ petition is filed.

3. It is well settled that the SARFAESI Act is a self-contained code and the time limit within which the Chief Judicial Magistrate has to consider the application under Section 14 of the Act is 30 days and if, for any reason, it is to be extended not beyond 60 days. In the case on hand, though the application has been considered, till date the advocate commissioner has not taken delivery of possession.

4. We are unaware as to the number of cases pending before the Chief Judicial Magistrate. Therefore, we are not inclined to give a positive direction. If the petitioner is aggrieved by the non-implementation of the order passed by the Chief Judicial Magistrate, it is for the petitioner to move necessary application before the Chief Judicial Magistrate.

The writ petition is disposed of accordingly. We make it clear that if



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the petitioner makes an application before the Chief Judicial Magistrate pointing out non-compliance of its order passed under Section 14 of the SARFAESI Act or non-execution of the order by the Advocate Commissioner, the Chief Judicial Magistrate shall pass necessary orders on merits and in accordance with law, as expeditiously as possible. There shall be no order as to costs. Interim application stands closed.

[SUSHRUT ARVIND DHARMADHIKARI, C.J.]

[N.SATHISH KUMAR, J.]

30.03.2026

NCC : Yes / No

Index : Yes / No

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To:
The Chief Judicial Magistrate,
Pudukkottai.



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