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W.P.No.13201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.13201 of 2023

&

W.M.P.Nos.12942, 12943 of 2023 & 353 of 2026

R.Chandra

D/o.Late M.Sengodan

Door No.6/ 28, Seenivasampalayam

Karuveppampatti Village & Post

Tiruchengode Taluk

Namakkal District- 637 304.

.. Petitioner

Vs.

1. Indian Bank

Rep by its Chief Manager/Authorised Officer

Komarapalayam

Namakkal District.

2. A.Poongulali

Advocate- Commissioner

Door No.1/89-A, Rasikomarpalayam

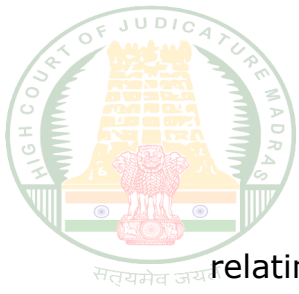
Mohanur Post, Mohanur Taluk

Namakkal District- 637 015.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records

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relating to the order of the Chief Judicial Magistrate, Namakkal dated 20.01.2023 in CrI.M.P.No.1168 of 2022 (CNR No.TNNM02-001611-2022) and quash the same only in so far as it relates to the petitioner and consequently permit the petitioner to settle the entire Loan Account of her deceased father M.Sengoda Gounder.

For Petitioner : Mr.M.Viknesh Kumar

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

This petition has been filed under Article 226 of the Constitution of India challenging the order dated 20.01.2023 passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by the Chief Judicial Magistrate, Namakkal.

2. Earlier, this writ petition was disposed of finally by the Co-ordinate Bench of this Court vide order dated 27.04.2023 with the following directions:

“9. Considering the aforesaid facts and in the light of the proposition laid down by the Division Bench of this court in Sheeba Philominal Merlin and another, supra, to the effect



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that in the absence of service of notices under Sections 13(2) and 13(4) of the Act on the legal heirs of the deceased borrower, the entire proceedings are vitiated, we hereby dispose of this writ petition with the following directions:

- (i) the petitioner is directed to file an appropriate application before the Debts Recovery Tribunal, Coimbatore, within two weeks from the date of receipt of a copy of this order questioning the correctness of the proceedings initiated under Sections 13(2), 13(4) and 14 of the Act and all consequential proceedings;*
- (ii) on the petitioner filing such application, the Debts Recovery Tribunal, Coimbatore, shall consider the same on its own merits and proceed in accordance with law;*
- (iii) the petitioner shall deposit the entire amount of Rs.1,56,19,000/- together with the stamp duty and registration charges with the first respondent/secured creditor within two weeks from the date of receipt of a copy of this order;*
- (iv) the first respondent/secured creditor is directed to inform the petitioner the amount to be paid by the petitioner towards stamp duty and registration charges within one week from the date of receipt of a copy of this order.*
- (v) On compliance of condition (iii) supra, the first respondent/secured creditor shall not disturb the petitioner's physical possession of the property in*



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question. In default of compliance, the first respondent/secured creditor is at liberty to proceed further and the writ petition shall be considered to be dismissed.”

3. Being aggrieved, the auction purchaser filed SLP(C) No.15880 of 2023 before the Supreme Court, wherein, the following order was passed on 12.11.2025:

“The Division Bench recorded this fact in paragraph 6 of its order but, surprisingly, without even putting the third party who had purchased the said property on notice, the Bench disposed of the case at the threshold with directions. The effect of those directions was, in effect, the nullification of the sale that stood concluded in favour of a purchaser who was not even before the Court.

This was contrary to the due procedure that was required to be followed by the High Court and also in clear violation of the principles of natural justice as the Bench, despite being informed of the presence of a third party who was adversely affected by the order proposed to be passed by it, chose to do so without even putting that third party on notice.

It is in these circumstances that the purchaser in the auction sale held on 31.01.2023 filed the present case.

Having heard the learned senior counsel/counsel for



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the parties, we are of the considered opinion that, on the short ground set out hereinbefore, the order under challenge cannot be sustained.

The appeal is, accordingly, allowed, setting aside the impugned judgment and order dated 27.04.2023 passed in Writ Petition No.13201/2023 and remitting the matter to the High Court for consideration afresh, after putting all the proper and necessary parties on notice and affording them a full opportunity of hearing, upon inviting necessary pleadings from each of them.

All issues, including the maintainability of the writ petition, are left open to be considered by the High Court.

Pending application(s), if any, shall stand disposed of.”

4. The Hon'ble Supreme Court remitted back the matter to this Court for fresh consideration, after putting all the proper and necessary parties on notice and affording them the opportunity of hearing.

5. When learned counsel for petitioner was confronted with the issue as to how the writ petition is maintainable challenging the order passed under Section 14 of the Act, he submitted that



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petitioner has already availed the remedy under Section 17 of the Act by filing S.A.No.328 of 2023 before the Debts Recovery Tribunal, Coimbatore and the same is pending, as, the Debts Recovery Tribunal could not decide the application in view of the pendency of the writ petition and SLP before the respective Courts. He further submitted that they failed to bring it to the notice of the Supreme Court that S.A.No.328 of 2023 filed by petitioner, challenging the order passed under Section 14 of the Act, is pending. Learned counsel for petitioner prayed for direction to the Debts Recovery Tribunal to expedite the proceedings since it is pending for quite a long time.

6. Taking into consideration the fact that no two parallel proceedings against the same impugned order can go on simultaneously, we are not inclined to entertain the writ petition at this stage. However, looking into the fact that S.A.No.328 of 2023 is pending before the Debts Recovery Tribunal since 2023, we direct the Debts Recovery Tribunal, Coimbatore to decide the same, in accordance with law and as expeditiously as possible, preferably



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within a period of three months from the date of receipt of a copy of this order.

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7. The writ petition is disposed of. We have not expressed any opinion on the merits of the case. There shall be no order as to costs. Consequently, all the interim applications are closed.

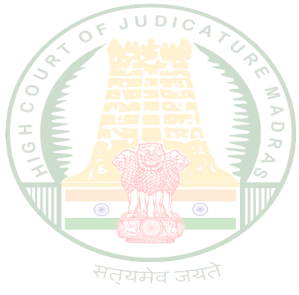
(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
12.06.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. Indian Bank
Rep by its Chief Manager/Authorised Officer
Komarapalayam
Namakkal District.
2. The Registrar
Debts Recovery Tribunal
Coimbatore.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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