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W.P.No.16489 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.16489 of 2026

Vijayanand Srinivasan
S/o.M.Srinivasan,
AGI-W5,Sai Garden ICC Block,
Anna Nagar West Extension,
Chennai - 600 101.

Petitioner(s)

Vs

Punjab National Bank
Rep by its Authorized Officer,
Asset Recovery Management Branch,
Kapoorthala, Aliganji,
Lucknow, Uttar Pradesh - 226 001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to deliver and hand over the vacant possession of land and building situated at Villa No.75, "Palm Villas", Nallambakkam Village, Chengalpet Taluk and District measuring an extent of 2578.1 square



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feet of undivided share of land in Survey No.150/1APart, 1B Part, 1C Part, 1D, 2 part, 3, 4, 157/6, 7, 8, 9, 201/7B part, 8, 9 part, 202/1 part, 2, 204/1A, 1B, 2 part, 7A, 7B, 8 part, 215/1, 2 part, 216/1, 2, 3, 217/1 part, 2 part and 218/1 part, (patta No.10872) admeasuring approximately 12.80 acres situated at Malrojapuram, Nellikuppam Road, Nallambakkam Village, Chegalpattu Taluk, Kancheepuram District.

For Petitioner(s): Mr. M.L.Ramesh

For Respondent(s): Mr. M.L.Ganesh
Standing Counsel
(Through Video Conferencing)

ORDER

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

The petitioner, who is an auction purchaser, has filed this writ petition seeking issuance of a writ of mandamus directing the respondent to deliver and hand over the vacant possession of land and building situated at Villa No.75, "Palm Villas", Nallambakkam Village, Chengalpet Taluk and District measuring an extent of 2578.1 square feet of undivided share of land in Survey No.150/1APart, 1B Part, 1C Part, 1D, 2 part, 3, 4, 157/6, 7, 8, 9, 201/7B part, 8, 9 part, 202/1 part, 2, 204/1A, 1B, 2 part, 7A, 7B, 8 part, 215/1, 2 part, 216/1, 2, 3, 217/1 part, 2 part and 218/1 part,



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(patta No.10872) admeasuring approximately 12.80 acres situated at Malrojapuram, Nellikuppam Road, Nallambakkam Village, Chegalpattu Taluk, Kancheepuram District.

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2. The petitioner is the successful auction purchaser of secured assets sold by the respondent/bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for brevity, "*the SARFAESI Act*"). It is averred that despite the respondent bank having received the full sale consideration and issuing a sale certificate in favor of the petitioner on June 3, 2025, possession of the property has yet to be delivered to the petitioner. It is alleged that the respondent/bank is not pursuing the application for taking physical possession and handing over the same to the petitioner.

3. Learned counsel for the respondent/bank submitted that though an application has been filed by the bank in August, 2025 under Section 14 of the SARFAESI Act before the Chief Judicial Magistrate, Chengalpattu, the same has till date not been numbered. He further contended that approximately 200 cases

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remain pending before the said Court for registration and disposal, thereby violating the time limits prescribed under the SARFAESI Act.

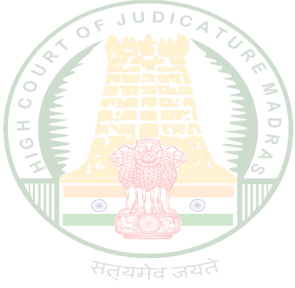
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4. Heard the learned counsel appearing for the parties and have carefully gone through the materials placed before this court, including the application filed under Section 14 of the SARFAESI Act, the affidavit filed in support thereof, and the relevant statutory provisions.

5. For ready reference and appreciation of the legal position, Section 14 of the SARFAESI Act is reproduced hereunder:

"14. Chief Metropolitan Magistrate or District Magistrate to assist secured creditor in taking possession of secured asset.—

(1) Where the possession of any secured assets is required to be taken by the secured creditor or if any of the secured assets is required to be sold or transferred by the secured creditor under the provisions of this Act, the secured creditor may, for the purpose of taking possession or control of any



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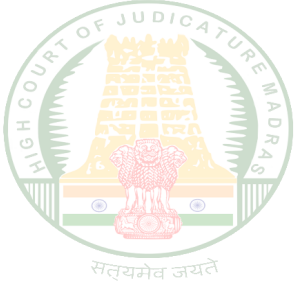
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such secured assets, request, in writing, the Chief Metropolitan Magistrate or the District Magistrate within whose jurisdiction any such secured asset or other documents relating thereto may be situated or found, to take possession thereof, and the Chief Metropolitan Magistrate or, as the case may be, the District Magistrate shall, on such request being made to him—

- (a) take possession of such asset and documents relating thereto; and*
- (b) forward such asset and documents to the secured creditor:*

Provided that any application by the secured creditor shall be accompanied by an affidavit duly affirmed by the authorised officer of the secured creditor, declaring that—

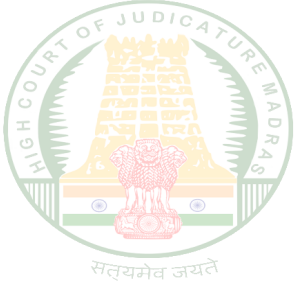
- (i) the aggregate amount of financial assistance granted and the total claim of the Bank as on the date of filing the application;*
- (ii) the borrower has created security interest over various properties and that the Bank or Financial Institution is holding a valid and subsisting security interest over such properties and the claim of the Bank or Financial Institution is within the limitation period;*



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- (iii) the borrower has created security interest over various properties giving the details of properties referred to in sub-clause (ii) above;*
- (iv) the borrower has committed default in repayment of the financial assistance granted aggregating the specified amount;*
- (v) consequent upon such default in repayment of the financial assistance the account of the borrower has been classified as a non-performing asset;*
- (vi) affirming that the period of sixty days notice as required by the provisions of sub-section (2) of section 13, demanding payment of the defaulted financial assistance has been served on the borrower;*
- (vii) the objection or representation in reply to the notice received from the borrower has been considered by the secured creditor and reasons for non-acceptance of such objection or representation had been communicated to the borrower;*
- (viii) the borrower has not made any repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take*



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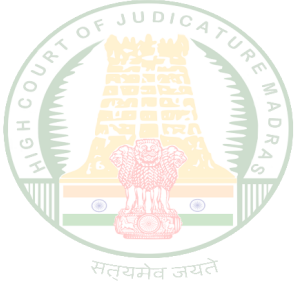
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*possession of the secured assets under the provisions of sub-section (4) of section 13 read with section 14 of the principal Act;
(ix) that the provisions of this Act and the rules made thereunder had been complied with:*

Provided further that on receipt of the affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application:

Provided also that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate within the said period of thirty days for reasons beyond his control, he may, after recording reasons in writing for the same, pass the order within such further period but not exceeding in aggregate sixty days.

Provided also that the requirement of filing affidavit stated in the first proviso shall not apply to proceeding pending before any District Magistrate or



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the Chief Metropolitan Magistrate, as the case may be, on the date of commencement of this Act.

(1A) The District Magistrate or the Chief Metropolitan Magistrate may authorise any officer subordinate to him,—

- (i) to take possession of such assets and documents relating thereto; and*
- (ii) to forward such assets and documents to the secured creditor.*

(2) For the purpose of securing compliance with the provisions of sub-section (1), the Chief Metropolitan Magistrate or the District Magistrate may take or cause to be taken such steps and use, or cause to be used, such force, as may, in his opinion, be necessary.

(3) No act of the Chief Metropolitan Magistrate or the District Magistrate any officer authorised by the Chief Metropolitan Magistrate or District Magistrate done in pursuance of this section shall be called in question in any court or before any authority."

[emphasis supplied]



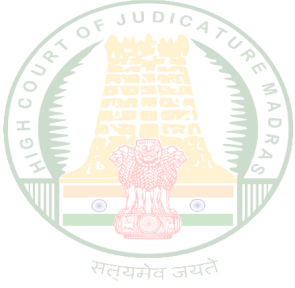
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6. Having considered the statutory scheme under Section 14 of the SARFAESI Act, this Court finds it appropriate to examine the nature and scope of the powers exercisable by the authorities under Section 14 of the SARFAESI Act in the light of the authoritative pronouncements of the Supreme Court, which have settled the legal position beyond any doubt.

7. Qua the proposition that the nature of power under Section 14 of the SARFAESI Act is ministerial and not adjudicatory, and essence of time, it is apposite to refer to the following decisions of the Supreme Court:

(a) The Supreme Court in *R.D.Jain and Company v. Capital First Limited and others*¹, comprehensively examined the nature of powers under Section 14 of the SARFAESI Act. The Supreme Court, after detailed analysis of the statutory scheme and the Statement of Objects and Reasons of the SARFAESI Act, held at Paragraphs 24, 25 and 26 that:

¹(2023) 1 SCC 675

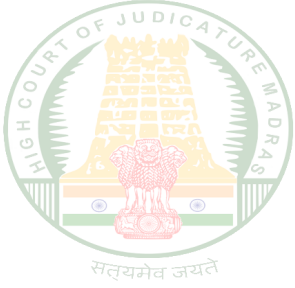


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"24. As mandated by Section 14 of the Sarfaesi Act, the CMM/DM has to act within the stipulated time-limit and pass a suitable order for the purpose of taking possession of the secured assets within a period of 30 days from the date of application which can be extended for such further period but not exceeding in the aggregate, sixty days. Thus, the powers exercised by the CMM/DM is a ministerial act. He cannot brook delay. Time is of the essence. This is the spirit of the special enactment.

25. As observed and held by this Court in *NKGSB Coop. Bank Ltd. v. Subir Chakravarty*, (2022) 10 SCC 286, the step taken by the CMM/DM while taking possession of the secured assets and documents relating thereto is a ministerial step. It could be taken by the CMM/DM himself/herself or through any officer subordinate to him/her, including the Advocate Commissioner who is considered as an officer of his/her court. Section 14 does not oblige the CMM/DM to go personally and take possession of the secured assets and documents relating thereto. Thus, we reiterate that the step to be taken by the CMM/DM under Section 14 of the Sarfaesi Act, is a



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ministerial step. **While disposing of the application under Section 14 of the Sarfaesi Act, no element of quasi-judicial function or application of mind would require. The Magistrate has to adjudicate and decide the correctness of the information given in the application and nothing more. Therefore, Section 14 does not involve an adjudicatory process qua points raised by the borrower against the secured creditor taking possession of secured assets.**

26. Thus, in view of the scheme of the Sarfaesi Act, more particularly, Section 14 of the Sarfaesi Act and the nature of the powers to be exercised by the learned Chief Metropolitan Magistrate/learned District Magistrate, the High Court in the impugned judgment and order has rightly observed and held that the power vested in the learned Chief Metropolitan Magistrate/learned District Magistrate is not by way of persona designata.”

[emphasis supplied]

(b) The aforesaid principles were reiterated and affirmed by the Supreme Court in *Balkrishna Rama Tarle (Dead) through Legal*

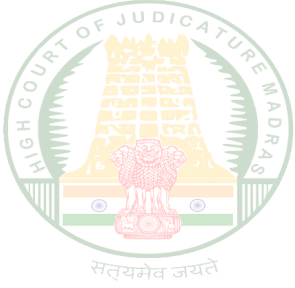


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*Representatives v. Phoenix ARC Private Ltd*². In that case, the Additional District Magistrate had kept the application pending under Section 14 on the premise that only after the tenancy rights of the occupant were terminated by following due process of law the application would be decided. The High Court set aside the said order and directed the authority concerned to proceed with the application in accordance with Section 14 of the SARFAESI Act. The Supreme Court dismissed the Special Leave Petition and affirmed the High Court's order, holding at Paragraphs 18 to 21 thus:

"18. Thus, the powers exercisable by CMM/DM under Section 14 of the Sarfaesi Act are ministerial steps and Section 14 does not involve any adjudicatory process qua points raised by the borrowers against the secured creditor taking possession of the secured assets. In that view of the matter once all the requirements under Section 14 of the Sarfaesi Act are complied with/satisfied by the secured creditor, it is the duty cast upon the CMM/DM to assist the secured creditor in obtaining the possession as well as the documents related to the secured assets even with the help of any officer subordinate to him

² (2023) 1 SCC 662



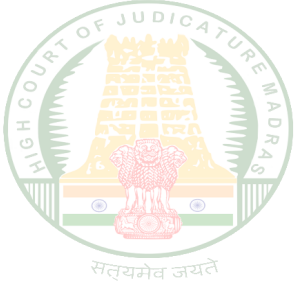
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and/or with the help of an advocate appointed as Advocate Commissioner. **At that stage, the CMM/DM is not required to adjudicate the dispute between the borrower and the secured creditor and/or between any other third party and the secured creditor with respect to the secured assets and the aggrieved party to be relegated to raise objections in the proceedings under Section 17 of the Sarfaesi Act, before the Debts Recovery Tribunal.**

19. Under the circumstances in the present case, no error has been committed by the High Court in setting aside the order dated 27-8-2021 passed by the designated authority keeping the application pending till the secured creditor initiates the legal proceedings for eviction of the tenant cannot get the possession in an application under Section 14 of the Sarfaesi Act. The High Court has rightly directed the designated authority to proceed further with the application under Section 14 of the Sarfaesi Act, and to dispose of the same in accordance with the provisions of Section 14 of the Sarfaesi Act.

20. Now so far as the reliance placed upon the decision of this Court in Harshad Govardhan

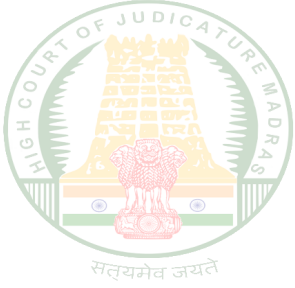


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*Sondagar v. International Assets Reconstruction Co. Ltd., (2014) 6 SCC 1, by the learned counsel appearing on behalf of the petitioner is concerned, the same shall not be applicable to the facts of the case on hand, what is observed by this Court in the aforesaid case is **the DM/CMM has to give a notice and opportunity of hearing to the person in possession of the secured assets claiming to be a "Class (1) or (2)" lessee of mortgagor/borrower, as well as to secured creditor, consistent with the principles of natural justice, and then take a decision. In the said decision, it is not observed that the DM/CMM has to adjudicate the rights between the parties.***

21. Now so far as the reliance placed upon the decision of this Court in the case of Vishal N. Kalsaria v. Bank of India, (2016) 3 SCC 762, by the learned counsel appearing on behalf of the petitioner is concerned, the said decision shall also not be applicable to the facts of the case on hand. In the said decision, the question before this Court was of conflict of claim under the Maharashtra Rent Control Act, 1999 and the provisions of the Sarfaesi Act, and which law will prevail. The scope and ambit of the powers to be exercised under Section 14 of



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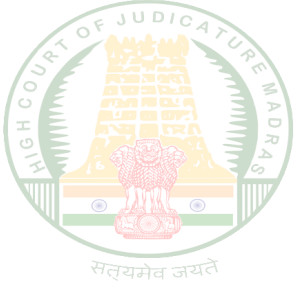
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the Sarfaesi Act were not directly in question before this Court. Even as observed and held by this Court in the aforesaid decision, a judgment cannot be interpreted and applied to fact situations by reading it as a statute. One cannot pick up a word or sentence from a judgment to construe that it is the ratio decidendi on the relevant aspects of the case (para 33)."

8. The High Court of Madhya Pradesh at Indore in *Equitas Small Finance Bank Limited v. The State of Madhya Pradesh*³, [to which one of us was a Member - the Chief Justice] was confronted with a situation strikingly similar to what is encountered by this Court. In that case, the Chief Judicial Magistrate, Khargone, had neither registered the application under Section 14 of the SARFAESI Act, nor taken any steps to proceed, instead listing the matter for arguments on registration. The Madhya Pradesh High Court, while allowing the writ petition and issuing comprehensive guidelines, observed:

"18. This Court every other day is dealing with number of cases where District Magistrate/Additional District Magistrate/Chief Judicial Magistrate instead

³ W.P.No.26176/2023 decided on 23.11.2023

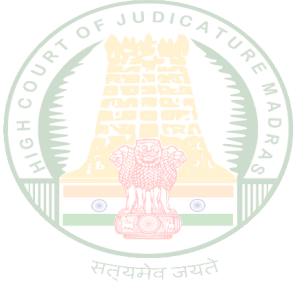


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*of complying with the provisions of Section 14 of the SARFAESI Act either exceed their jurisdiction by adjudicating the case or sitting tight over the matter, as in the case in hand. In the considered opinion of this Court, Chief Judicial Magistrate, Khargone has travelled beyond the scope of Section 14 of the SARFAESI Act, in as much as, that in place of deciding the application within the stipulated time which was filed in December, 2022, the application is kept pending for months together for arguments on registration of the case which is not warranted as per the provisions of Section 14 of the SARFAESI Act. The Chief Judicial Magistrate attained the role of adjudicatory authority/functus officio. **This Court as well as the Apex Court time and again reiterated that the role of DM/ADM/CJM is ministerial in nature so far as Section 14 of the SARFAESI Act is concerned and not that of adjudication. In number of cases, it is seen that the orders are being passed as per convenience of the Officer concerned without following the mandate of this Court as well as the Apex Court.***

19. In view of the above discussion, it is clear as day light that DM/ADM/CJM have to strictly follow the



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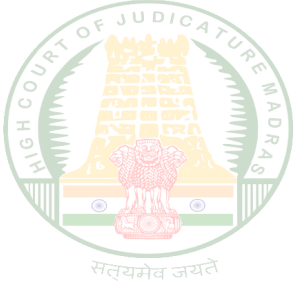
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provisions of Section 14 of SARFAESI Act as well as law laid down by the Apex Court in the case of R.D. Jain & Company (supra) and Kotak Mahindra Bank Limited v Girnar Corrugators Private Limited and others, (2023) 3 SCC 210, in deciding the applications filed by the secured creditors keeping in the mind the interest of lessee/tenant of borrowers also as held in the cases of Harshad Govardhan Sondagar & Vishal N.Kalsaria (supra).

20. Accordingly, the present petition is allowed with the following directions:

A. The Chief Judicial Magistrate, Khargone is directed to decide the pending application of the petitioner as well as other pending applications in accordance with law keeping in view the statutory provisions as contained in Section 14 of the SARFAESI Act as well as in the light of the judgments mentioned above, within a period of 30 days from the date of receipt of certified copy of the order passed today.

B. Looking to the fact that being aggrieved by the inaction of the DM/ADM/CJM in deciding the applications filed under Section 14 of SARFAESI Act, the secured creditors rushed to this Court leading to

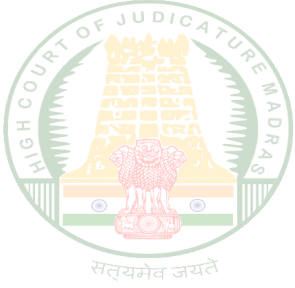


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opening of a flood gate of writ petitions, in the considered opinion of this Court, it would be apposite to issue guidelines/directions to be followed by these DM/ADM/CJM while passing orders for deciding applications u/S 14 of the SARFAESI Act which are as follows:

- (i) DM/ADM/CJM have to determine whether secured assets fall within their territorial jurisdiction.
- (ii) whether notice u/s 13(2) of the SARFAESI Act has been furnished by the secured creditor and also whether the case of secured creditor falls under the any of the exceptions provided under Section 31 of the SARFAESI Act?
- (iii) **DM/ADM/CJM is not at all required to hear the application u/s 14 of the SARFAESI Act for the purpose of registration of the case.**
- (iv) **DM/ADM/CJM acting under Section 14 of the SARFAESI Act is not required to give notice either to the borrower or to the 3rd party.**
- (v) The DM/ADM/CJM shall ensure that the secured creditor should file an affidavit declaring that the terms and conditions prescribed u/S 14(1) of the SARFAESI Act are satisfied.
- (vi) **DM/ADM/CJM should ensure that application filed u/S 14 of the SARFAESI Act**



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shall be decided as expeditiously as possible, preferably within 45 days from the date of filing of such an application."

[emphasis supplied]

9. This Court is in complete agreement with the above observations. The State of Tamil Nadu is no exception to this phenomenon. This Court has been inundated with writ petitions filed by various banks, financial institutions and asset reconstruction companies aggrieved by the inaction or excess of jurisdiction by the Designated Authorities under Section 14 of the SARFAESI Act. Such avoidable litigation not only burdens this Court, but also defeats the very purpose of the SARFAESI Act, which is a special legislation enacted with the specific object of enabling expeditious recovery of secured assets to reduce non-performing assets (NPAs) in the banking sector.

10. In view of the foregoing discussion and the settled legal position as enunciated by the Supreme Court, we issue the following directions applicable to all Chief Metropolitan Magistrate/



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Judicial Magistrates/District Magistrates exercising powers under

Section 14 of the SARFAESI Act across the State of Tamil Nadu:

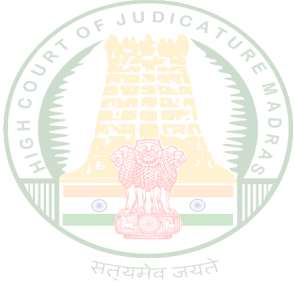
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(i) Upon receipt of a written application under Section 14(1) of the SARFAESI Act from a secured creditor, the CMM/CJM/DM (hereinafter collectively referred to as "the Designated Authority") shall immediately register the application. No application under Section 14 of the SARFAESI Act shall be listed for arguments on registration. The Designated Authority is not required to conduct any pre-registration hearing whatsoever.

(ii) Upon registration, the Designated Authority shall verify only the following two aspects:

(a) whether the secured assets fall within its territorial jurisdiction;

(b) whether a notice under Section 13(2) of the SARFAESI Act has been duly served upon the borrower;



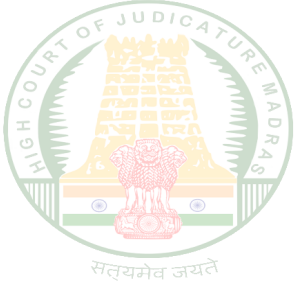
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(c) whether the application is accompanied by the affidavit as mandated under the first proviso to Section 14(1) of the SARFAESI Act, duly affirmed by the authorized officer of the secured creditor, affirming compliance of clauses (i) to (ix) thereof; and

(d) The Designated Authority shall also ascertain whether the case of the secured creditor falls under any of the exceptions provided under Section 31 of the SARFAESI Act.

(iii) The nature of the inquiry under Section 14 of the SARFAESI Act is ministerial and not adjudicatory. The Designated Authority is not required and is indeed prohibited from adjudicating upon any dispute between the secured creditor and the borrower, or between the secured creditor and any third party (*including any person in possession of the secured assets*), in an application under Section 14 of the



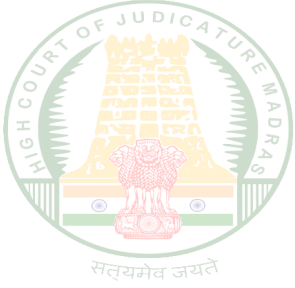
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SARFAESI Act. All such disputed questions of law or fact are exclusively within the jurisdiction of the Debts Recovery Tribunal under Section 17 of the SARFAESI Act.

(iv) The Designated Authority is not required to issue notice to the borrower, mortgagor, guarantor, or any third party before passing an order under Section 14(1) of the SARFAESI Act. The power under Section 14(2) is an enabling provision and the Designated Authority may, if necessary, use force for securing compliance.

(v) Upon being satisfied about the contents of the affidavit and the existence of its territorial jurisdiction, the Designated Authority shall pass a suitable order within 30 days from the date of filing of the application, as mandated by the second proviso to Section 14(1) of the SARFAESI Act. In exceptional circumstances beyond the control of the



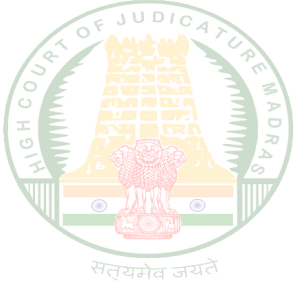
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Designated Authority, the said period may be extended by recording reasons in writing, but shall not exceed 60 days in the aggregate from the date of filing of the application.

(vi) The Designated Authority is competent to authorise any officer subordinate to it, in accordance with Section 14(1-A), to take possession of the secured assets and documents relating thereto and forward the same to the secured creditor. The Designated Authority may, if it deems fit, appoint an Advocate Commissioner as an officer of its court for this purpose.

(vii) In cases where the secured assets have been given on lease or tenancy by the borrower prior to the mortgage and the tenant/lessee is in occupation, the Designated Authority shall be guided by the mandate of the Supreme Court in *Harshad Govardhan Sondagar v. International Assets*



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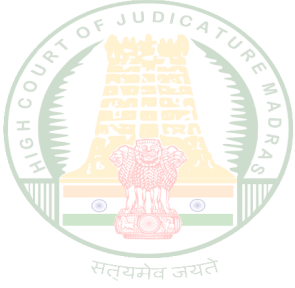
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*Reconstruction Co. Ltd*⁴, and *Vishal N. Kalsaria v. Bank of India*⁵. In such cases, a notice and opportunity of hearing shall be given to the person claiming to be a Class 1 or Class 2 lessee/tenant, consistent with the principles of natural justice, before passing an order under Section 14 of the SARFAESI Act. However, such inquiry shall be limited to verification of the genuineness of the tenancy claim and shall not result in adjudication of *inter se* rights. The Designated Authority shall not defer its decision indefinitely on account of such occupancy; the decision must be rendered within the overall time-limit under Section 14(1) of the SARFAESI Act.

(viii) Any person aggrieved by an order passed under Section 14 or by any step taken under Section 13(4) of the SARFAESI Act, including a tenant or occupant, has a statutory remedy of appeal/application under Section 17 of the SARFAESI Act

⁴ (2014) 6 SCC 1

⁵ (2016) 3 SCC 762



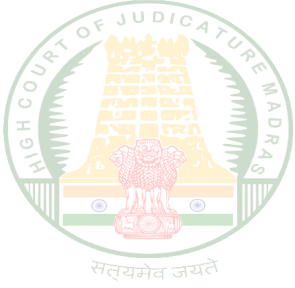
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before the Debts Recovery Tribunal having jurisdiction. The Designated Authority shall, in its order, make note of this statutory remedy available to any aggrieved party.

(ix) In the event the Designated Authority fails to pass an order within the time-limit prescribed under Section 14 of the SARFAESI Act and the secured creditor or aggrieved party approaches this Court by way of a writ petition, the Designated Authority shall file a statement of reasons for the delay before this Court. Unexplained delays in deciding applications under Section 14 of the SARFAESI Act shall be viewed seriously by this Court and may attract adverse comments and, in appropriate cases, consequential orders.

(x) This Court is conscious that a large volume of applications under Section 14 of the SARFAESI Act are pending before various courts across the State of



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Tamil Nadu. To ensure the effective implementation of these directions, the Registrar General shall forward a copy of this order with a direction to all Principal District and Sessions Judges in the State of Tamil Nadu, with a further direction to circulate it to all Metropolitan Magistrates, Chief Judicial Magistrates and Additional Chief Judicial Magistrates who are exercising or likely to exercise jurisdiction under Section 14 of the SARFAESI Act within their respective districts.

(xi) The Registry shall also send a copy of this order to the Chief Secretary, Government of Tamil Nadu, with a request to circulate this order among all District Magistrates/Additional District Magistrates in the State of Tamil Nadu, so as to avoid unnecessary delays and the opening of a flood-gate of writ petitions before this Court.

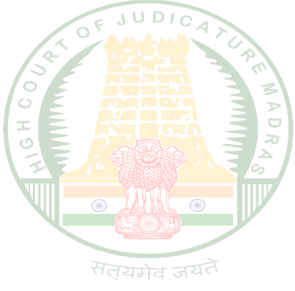


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11. In view of the aforesaid discussion and directions, the present writ petition is disposed of with the following specific directions:

(a) The Chief Judicial Magistrate, Chengalpattu, is directed to take up the application filed by the respondent under Section 14 of the SARFAESI Act and to decide and dispose of the same in accordance with the provisions of Section 14 of the SARFAESI Act and in the light of the directions issued by this Court in the preceding paragraph, within a period of 30 days from the date of receipt of a copy of this order.

(b) The Chief Judicial Magistrate, Chengalpattu, shall not adjourn the application under Section 14 of the SARFAESI Act, except if it is absolutely necessary, and shall not list it for arguments on registration or for any inquiry extraneous to the scope of Section 14 of the SARFAESI Act.

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There shall be no order as to costs.

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(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
05.06.2026

Index : Yes
Neutral Citation : Yes

Note to Registry:

Mark a copy of this order to:

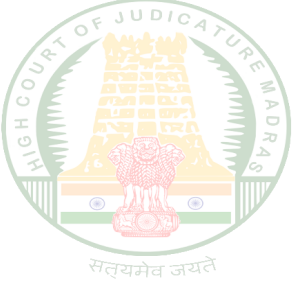
(i) The Registrar General,
High Court of Madras.

(ii) The Chief Secretary
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai – 600 009.

sasi

To:

Punjab National Bank
Rep by its Authorized Officer,
Asset Recovery Management Branch,
Kapoorthala, Aliganji,
Lucknow, Uttar Pradesh - 226 001.



WEB COPY

W.P.No.16489 of 2026

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

(sasi)

WP No.16489 of 2026

05.06.2026