



WEB COPY

WP No. 14793 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 14793 of 2024

Krishna Kumar

..Petitioner(s)

Vs

1. The Manager / Authorized Officer
ICICI Bank Limited Ambattur Industrial Estate
Block No.1, Ambattur Chennai-058.
2. Santosh Kadavil Thomas
S/o.T.M. Thomas, Residing At Kuviathu
House East Othere Po Pathanathitta District
Kerala State.
3. Binu Susan
W/o.Santosh Kadavil Thomas, Residing At
Kuviathu House East Othere Po Pathanathitta
District Kerala State.

..Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the 1st respondent to take necessary action to allow the petitioner to pay the balance EMI with knowledge of the 2nd and 3rd respondents.

For Petitioner(s): Mr.S.Nambirajan

For Respondent(s): Mr.S.Vasudevan for R-1

Notice not ready [RR-1 & 2]



ORDER

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The present Writ Petition has been filed seeking a direction to the 1st respondent to take necessary action allow the petitioner to pay the balance EMI with knowledge of the 2nd and 3rd respondents.

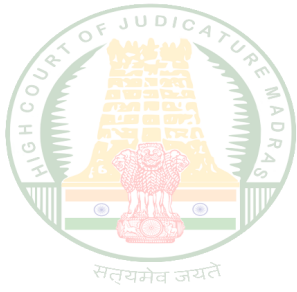
2. The petitioner and the 2nd and 3rd respondent entered into a lease agreement on 14.10.2021 in respect of the schedule mentioned property belonging to the 2nd and 3rd respondents and accordingly, the petitioner had paid a sum of Rs.50,00,000/- as deposit of advance payment and a sum of Rs.5,00,000/- towards building maintenance. Subsequently, the petitioner had spent a sum of Rs.20,00,000/- towards building renovation. Whiles, a demand notice came to be issued by the 1st respondent seeking arrears of EMI towards the loan obtained by the 2nd and 3rd respondent by executing a mortgage deed in respect of the aforesaid property followed by a symbolic possession notice. It is his grievance that though the petitioner is ready and willing to settle the entire loan amount on behalf of the owners of the property, however, for non-payment of the loan amount, the 1st respondent bank is taking steps for auctioning the property. Aggrieved by which, the petitioner has come forward with the present Writ Petition.



3. Learned counsel appearing for the petitioners submitted that, if the respondent bank proceeds to auction the property, the petitioner would be greatly prejudiced, since the petitioner had spent huge sums of money towards building renovation, maintenance and so on and so forth. He further submitted that till date, the 2nd and 3rd respondents neither settled the issue with regard to repayment of the loan availed by them nor executed the sale deed in favour of the petitioner. Therefore, he prayed that, this Court may issue a direction to the 1st respondent to take necessary action against the 2nd and 3rd respondent.

4. On the above contention, this Court heard the learned counsel appearing for the 1st respondent.

5. Considering the limited relief sought for in this Writ Petition, this Court, without expressing any opinion on the merits of the case, directs the petitioner to make a detailed representation to the 1st respondent seeking necessary action against the 2nd and 3rd respondents along with supporting documents establishing his lease hold rights within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the 1st respondent is directed to consider the same and pass appropriate orders on the same in accordance with law within a period of twelve (12) weeks thereafter, after affording an opportunity of personal hearing to the petitioner as well as the 2nd and 3rd respondents. The 1st respondent is further directed not to take any steps for auctioning the subject property till the disposal of the petitioner's representation.



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M.DHANDAPANI, J.

NHS

6. Accordingly, the Writ Petition stands disposed of in the above terms.

There shall be no order as to costs.

21-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NHS

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