

WMP(MD) NO. 8960 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-04-2026

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WMP(MD) NO. 8960 of 2026

in

WP(MD) NO. 11809 OF 2026

S.Chellammal

Petitioner(s)

Vs

1. M/s. SMFG India Credit Company Limited
Registered Office at Commerzone IT Park
Tower B 1s Floor
No.111,Mount Poonamallee Road
Porur, Chennai-600 116
and its Corporate Office at 10th Floor
No.101,102 and 103 2nd North Avenue
Maker Maxity, Bandr Kurla Complex
Bandra (E), Mumbai-400 051
represented by its Authorised Officer
Mr. P. Muthukumar

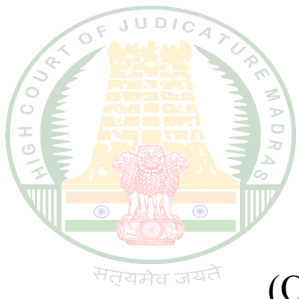
2. Thamizhvani
3. Balasubramanian
4. A.Libiyarose
5. Shanthi

Respondent(s)

For Petitioner(s):

Mr.K.S. Sreenivasan

Prayer:To pass an Interim Stay of all further delivery proceedings arising out of order dated 15.10.2025 in Cr.M.P. No.1689 of 2025 by the Chief Judicial Magistrate, Sivagangai by way of sale, confirmation etc pending disposal of the above writ petition and thus render justice.



ORDER

(Order of the Court was made by the Hon'ble N.Sathish Kumar J.)

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Issue notice to the respondents returnable by 11.06.2026. Private notice is also permitted.

2. Though the writ petition has been filed challenging the order passed under Section 14 of the SARFAESI Act, this Court would not normally entertain such a writ petition. However, the learned counsel for the petitioner brought to the notice of this Court that the borrower had originally mortgaged a vacant site measuring about 33 cents in Survey No. 251/3A, whereas the writ petitioner is the owner of land in Survey No. 274/4. The petitioner's property is situated on the southern side of the second respondent's property.

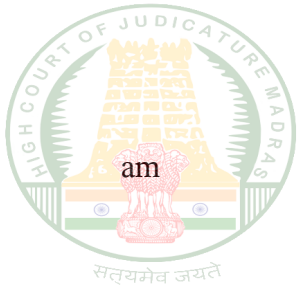
3. It is submitted that when a Commissioner was appointed by the learned Chief Judicial Magistrate, the Commissioner erroneously identified the petitioner's property as the secured asset and filed a report, which led to confusion, resulting in the petitioner's property being sealed.

4. A perusal of the documents shows that the petitioner is the owner of Survey No. 274/4 to an extent of 30 cents, pursuant to a settlement in favour of his brother, whereas the secured interest was created only in respect of Survey No. 251/3A, measuring 33 cents.

5. Considering the above facts, there shall be an order of interim stay of all further proceedings until 11.06.2026.

6. Post the matter on 11.06.2026.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)



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

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