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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.32320 of 2025

and

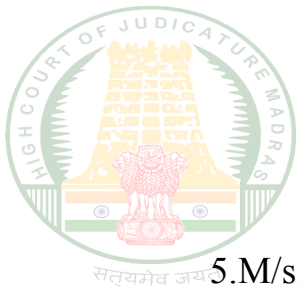
W.M.P.(MD)No.28370 of 2025

The Authorized Officer/Chief Manager,
Central Bank of India,
Old no.2433A2, New No.432,
Kunjannader Complex,
PWD Road, Nagercoil,
Kanniyakumari District.

... Petitioner

Vs.

- 1.The District Collector,
Collector Office Campus,
K.P.Road, Nagercoil,
Kanniyakumari District-629 001.
- 2.The Tahsildar,
Kalkulam, Thucklay,
Kanniyakumari District-629 175.
- 3.The Superintendent of Police,
Nagercoil, Kanyakumari District.
- 4.M/s.Adhitya Bharat Gas Agencies,
Proprietor Mr.S.R.Ratheesh,
22/76D1, Padmanbhapuram, Mettukadai,
Thuckalay Post, Kanyakumari District-629 175.



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5.M/s.Adhitya Tyres,
Represented by its Managing Partner,
Mr.S.R.Ratheesh,
6/79A4, Trivandrum Main Road,
Puliyoorkurichy, Thuckalay Post,
Kanyakumari District-629 175.

6.M/s.Adhitya Aqua Industries,
Mr.S.R.Ratheesh, Proprietor,
22/76D1, Padmanabhapuram,
Mettukadai, Thuckalaya Post,
Kanyakumari District-629 175.

7.S.R.Ratheesh
8.Madhavi Devi
9.Ramani Bai
10.T.Nagarajan
11.B.Saravanakumar

12.M/s.RND Developers Private Limited,
6-93, Kanavoor,
Udayamarthandam Post-629 178,
Kanyakumari District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to enforce the order of the first respondent/District Collector dated 02.08.2019 passed under Section 14 of SARFAESI Act in K.Dis.No. (4/23379/2018) by taking physical possession of the secured assets morefully described in the Schedule of Properties and documents relating thereto and if necessary by break opening the premises and hand over the secured assets to the petitioner bank in light of the petitioner's represented dated 09.09.2025 within a reasonable time to be determined by this Court.



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For Petitioner : Mr.N.Dilipkumar
For Respondents : Mr.P.T.Thiraviam (R1 & R2)
Government Advocate
Mr.K.Sanjay Gandhi (R3)
Government Advocate
Mr.M.Natarajan (R4 to R9)
Mr.K.Hariharan (R12)

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This writ petition has been filed seeking a direction to the District Collector, Nagercoil, to provide necessary assistance to the petitioner Bank for taking possession of the secured assets in pursuance of the order passed by the District Magistrate dated 26.03.2019.

2.The contention of the petitioner is that the respondents 4 to 6 have availed credit facilities from the petitioner Bank. Since there were dues, the petitioner Bank issued a statutory demand notice and initiated SARFAESI proceedings as against the debtors. Thereafter, the petitioner Bank approached the Debts Recovery Tribunal and obtained an order for taking possession of the secured assets.



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3.The petitioner's further contention is that 7 properties have been mortgaged by the debtors. While some of the properties were sold towards partial discharge of the outstanding dues, possession of the remaining properties could not be taken, despite the order obtained from the District Magistrate. Despite obtaining an order from the District Magistrate, the petitioner was unable to secure possession of certain properties. Thereafter, the petitioner filed an application in C.M.P. No. 1932 of 2025 before the Chief Judicial Magistrate, Nagercoil, which was allowed. The said order was challenged before the Debts Recovery Tribunal in I.A. No.3260 of 2025. The Tribunal, while considering the challenge, held that the order passed by the District Magistrate continues to hold good and is enforceable. The grievance of the petitioner is that notwithstanding the above findings, no effective assistance has been extended by the District Collector for taking possession of the secured assets. Hence, the present writ petition has been filed seeking appropriate direction.

4.The learned counsel appearing for the proposed intervenor, who claims to be a purchaser of one of the secured assets in the auction proceedings, sought to implead himself in the writ petition. It is



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contended that he has paid a substantial amount to the petitioner Bank, but no sale notice has been issued.

5.This Court is of the view that the submissions made by the proposed purchaser had already been placed before the Debts Recovery Tribunal and the same have been considered, culminating in an order. In such circumstances, the very same submissions cannot be permitted to be re-agitated in the present writ proceedings.

6.Heard the learned counsel appearing on either side and perused the materials placed on record.

7.The limited relief sought in this writ petition is for a direction to the District Collector to provide assistance to the petitioner Bank to enforce the order passed by the District Magistrate dated 26.09.2024. The very purpose of obtaining orders from the District Magistrate and the Chief Judicial Magistrate is to enable the secured creditor to take possession of the secured assets for realization of its dues. Once such orders have been passed and upheld, the authorities are bound to give effect to the same. The contention of the respondents cannot be



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countenanced and they cannot go beyond the order already passed by the Debts Recovery Tribunal.

8. Accordingly, there shall be a direction to the District Collector, Nagercoil, to extend necessary assistance to the petitioner Bank for taking possession of the secured assets, in terms of the order passed by the District Magistrate dated 26.09.2024, along with appropriate police protection.

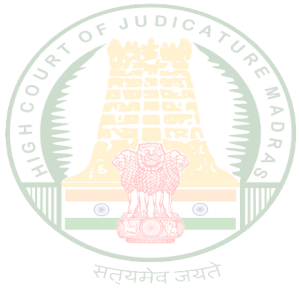
9. With the above directions, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
25.03.2026

Index : Yes/No
Internet : Yes
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To

1. The District Collector,
Collector Office Campus,
K.P.Road, Nagercoil,
Kanniyakumari District-629 001.



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2.The Tahsildar,
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3.The Superintendent of Police,
Nagercoil, Kanyakumari District.



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

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