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Devendra bhandari Vs The Authorised officer

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Court : Chennai Orders

Decided On : Jun-23-2026

Judge : Honourable the Chief Justice,Honourable Mr.Justice G.Arul Murugan

Appeal No. : WP/23251/2026

Appellant : Devendra bhandari

Respondent : The Authorised officer

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI, CHIEF JUSTICE AND THE HON'BLE MR.JUSTICE G.ARUL MURUGAN 1.Devendra Bhandari 2.Jitendra Bhandari 3.Mahendra Bhandari (Petitioners residing at No.3/5 Ramanathan Street, Kilpauk, Chennai 600 010) : Petitioners

Versus

1.The Authorised Officer Indian Bank, Stressed Assets management Branch, No.55 Ethiraj Salai, Chennai 600008 2.The Superintendent of Police Vellore Distrct, Vellore 3.The Inspector of police Vellore North Police station, Vellore, Vellore District : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to hand over the physical vacant possession of the property bearing Door Nos.50 and 52 (Old Nos. 6/2, 2A, 23B 2C, 2D, 2E, 2F and 2G, Ibrahim Sahid Street, Kaspa, Vellore Town measuring an extent of 0.63 Acres comprised in T.S. no 141/1 of Kaspa Vellore Town to the petitioners as per the revalidation sale certificate dated 20.01.2024 by considering the representations of the petitioners dated 13.02.2024, 20.02.2024, 01.03.2024, 28.05.2024, 05.07.2024 and 05.08.2025 to the 1st respondent, within a fixed time.

For Petitioner : Ms.R.Arthi

ORDER

(Order of the Court was made by the Hon'ble Chief Justice) The petitioners, who are auction purchasers, have filed this writ petition seeking issuance of a writ of mandamus directing the first respondent to deliver and hand over vacant possession of the property bearing Door Nos.50 and 52 (Old Nos.6/2, 2A, 23B 2C, 2D, 2E, 2F and 2G, Ibrahim Sahid Street, Kaspa, Vellore Town.

2. The main grievance of the petitioners is that they have filed a

petition before the Chief Judicial Magistrate, Vellore seeking appointment of an advocate commissioner to take vacant possession of the above mentioned property, and the same has not yet been numbered and decided.

3. The manner in which an application filed under Section 14 of

the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 should be dealt with, has been considered, and a

detailed order has been passed by this Court in WP No.16489 of 2026, dated 05.06.2026 (Vijayanand Srinivasan vs. Punjab National Bank). The relevant portion of the order reads as follows:

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/ Judicial Magistrates/District Magistrates exercising powers under Section 14 of the SARFAESI Act across the State of Tamil Nadu:

(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;

(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 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 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 Reconstruction Co. Ltd (2014) 6 SCC 1), and Vishal N. Kalsaria v. Bank of India (2016) 3 SCC 762). 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 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 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.

4. The grievance of the petitioners is that in spite of filing an application under Section 14 of the Act of 2002, the same has not yet been numbered by the Chief Judicial Magistrate, Vellore.

5. In the circumstances, we grant liberty to the petitioners to

approach the Chief Judicial Magistrate, Vellore and re-present the application as expeditiously as possible. If the application is re- presented, Chief Judicial Magistrate is bound to take a decision in the light of the order passed by this Court

in Vijayanand Srinivasan.

4. With this observation, the writ petition stands disposed of.

There will be no order as to costs. WMP No.25217 of 2026 filed to permit the petitioners to file a single writ petition is allowed subject to payment of separate court fees. (SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.) 23.06.2026 Index : Yes/No Neutral Citation : Yes/No tar To 1.The Authorised Officer Indian Bank, Stressed Assets Management Branch, No.55 Ethiraj Salai, Chennai 600008 2.The Superintendent of Police, Vellore Distrct, Vellore 3.The Inspector of Police Vellore North Police station, Vellore, Vellore District 4.The Chief Judicial Magistrate, Vellore THE HON'BLE CHIEF JUSTICE AND

G.ARUL MURUGAN, J.

(tar) 23.06.2026

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