Case Citation: (2026) ibclaw.in 2988 HC

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.14284 of 2026
and
WMP(MD)Nos.10701 & 10702 of 2026

Risavu Mohamed ... Petitioner

Vs.

1.The Authorized Officer
Axis Bank
Branch Office, 2nd Floor
North Highground Road
Palayamkottai
Tirunelveli -627 002.

2.The Branch Manager
Axis Bank
Branch Office, 2nd Floor
North Highground Road
Palayamkottai
Tirunelveli -627 002.

https://www.mhc.tn.gov.in/judis

IBC Laws | www.ibclaw.in

Case Citation: (2026) ibclaw.in 2988 HC

WEB COPY

3.The Inspector General of Registration
Registration Department
No.100, Santhome High Road
Chennai 28.

4.The Deputy Inspector General of Registration
Registration Department
Perumalpuram,
Tirunelveli.

5.The District Registrar
Tenkasi Registration District,
Tenkasi District.

6.The Joint Sub-Registrar No.II
Tenkasi Sub Registrar Office,
Tenkasi District.

7.N.Peer Mohamed

8.P. MymoonMurshitha ...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of CERTIORARIFIED MANDAMUS to call for the records pertaining the impugned symbolic possession notice dated 22.08.2025 issued by the 1st respondent and quash the same as illegal and consequently, forbearing the respondents 1 and 2 to disturb the petitioner's possession in respect of the property in Ayanpunja Survey No.1341/2 to the extent of 3.5 cents (1525 sq.ft) at specifically

https://www.mhc.tn.gov.in/judis
IBC Laws | www.ibclaw.in

Case Citation: (2026) ibclaw.in 2988 HC

WEB COPY

northern portion in out of 7.35 cent at northern side in out of 2.47 acres and pathway to an extent of 206.25 Sq.ft situated at Ward B, Block 32 in T.S. No.31 along with house in Door No.97G situated at Aabath Pallivasal Street, Tenkasi Kaspa, 3rd ward (now 9th ward), Tenkasi Municipality, Tenkasi District.

For Petitioner : Mr.A.Sankararamasubramanian

For Respondents : Mr.R.Gandhiraj, - for R1 to R6

Special Government Pleader

O R D E R

(Order of the Court was made by D.Bharatha Chakravarthy, J.)

This writ petition is filed for Certiorarified Mandamus Challenging the possession notice issued under Rule 8(1) one of the SARFAESI Rules read with Section 13 of the SARFAESI Act and consequently not to disturb the petitioner's possession in respect of his property in survey No.1341/2, etc., situated at Aabath Pallivasal Street, Tenkasi Kaspa, Tenkasi Municipality.

https://www.mhc.tn.gov.in/judis

IBC Laws | www.ibclaw.in

WEB COPY

2. The learned counsel for the petitioner would submit that the property in question belonged to the petitioner. The property was settled on the petitioner by a registered settlement deed dated 12.02.2007. Thereafter, the for the purpose of raising the loan from the said property alone, a General Power of Attorney dated 04.04.2008 was executed by the petitioner in favour of one Peer Mohamed. While so, suddenly in the year 2022 by misusing the said power of attorney, the said Power of Attorney agent who is the 7th respondent sold the property to the 8th respondent. The 8th respondent is his own daughter, the 8th respondent in turn had mortgaged the property to the first respondent Bank and thereafter, did not repay the loan and as such, SARFAESI proceedings are now initiated. Pursuant to the impugned possession notice, now steps are also taken before the Jurisdictional Chief Judicial Magistrate Court to obtain physical possession.

3. In view thereof, the petitioner's possession is now being threatened. In the meanwhile, upon realizing the fraud that played by the 7th and 8th respondents, the petitioner has already filed a civil suit in O.S. No.239 of 2025, before the Principal District Munsif Court, Tenkasi. When

https://www.mhc.tn.gov.in/judis

IBC Laws | www.ibclaw.in

Case Citation: (2026) ibclaw.in 2988 HC

WEB COPY

the same is pending in which the Bank, the Sub Registrar and everyone concerned is a party, now the attempt to disturb the possession is made and therefore, the petitioner is before this Court.

4. We have considered the said submissions made by the learned counsel for the petitioner and perused the material records of the case.

5. It can be seen that the petitioner has filed a comprehensive suit in O.S.No.239 of 2025 arraying the Power of Attorney agent, the subsequent purchaser as well as the Bank and the Sub Registrar as parties. Therefore, if the petitioner succeeds in the suit, the petitioner will continue to enjoy his property. If an attempt is made to take physical possession, it is for the petitioner to move the very same Civil Court by way of an interim injunction petition and this writ petition under Article 226 cannot be maintained, to obtain interim order pending disposal of the suit. In view thereof, giving liberty to the petitioner to file / to move such interlocutory application before the very same Court this writ petition is not entertained.

https://www.mhc.tn.gov.in/judis

IBC Laws | www.ibclaw.in

WEB COPY

6. This Court has not expressed any opinion on the merits of the averments that are made and the writ petition is disposed of at the admission stage. It is submitted that already an Interlocutary Application is filed and the same is pending. It is for the concerned Civil Court by considering the *prima facie* case of the petitioner and by considering the Power of Attorney dated 04.04.2008, decide the said relief that is to be granted for the petitioner. Therefore, keeping the said liberty open to the petitioner and requesting the Civil Court to take up the said interim application if and when moved and dispose of the same at the earliest, this writ petition is not entertained and is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(D.B.C., J.) (R.P., J.)

rm **20.05.2026**

https://www.mhc.tn.gov.in/judis

IBC Laws | www.ibclaw.in

Case Citation: (2026) ibclaw.in 2988 HC

WEB COPY

To

1.The Authorized Officer
Axis Bank
Branch Office, 2nd Floor
North Highground Road
Palayamkottai
Tirunelveli -627 002.

2.The Branch Manager
Axis Bank
Branch Office, 2nd Floor
North Highground Road
Palayamkottai
Tirunelveli -627 002.

3.The Inspector General of Registration
Registration Department
No.100, Santhome High Road
Chennai 28.

4.The Deputy Inspector General of Registration
Registration Department
Perumalpuram,
Tirunelveli.

5.The District Registrar
Tenkasi Registration District,
Tenkasi District.

6.The Joint Sub-Registrar No.II
Tenkasi Sub Registrar Office,
Tenkasi District.

https://www.mhc.tn.gov.in/judis

IBC Laws | www.ibclaw.in

WEB COPY

D.BHARATHA CHAKRAVARTHY, J.
and
R.POORNIMA, J.

rm

Order made in
W.P(MD)No.14284 of 2026
and
WMP(MD)Nos.10701 & 10702 of 2026

20.05.2026

https://www.mhc.tn.gov.in/judis

IBC Laws | www.ibclaw.in