In the court of the Chief Judicial Magistrate, Madurai.
Present: Thiru.K.Selvapandi, B.A., B.L.,
Chief Judicial Magistrate, Madurai.
Dated 8th day of April 2026
Cr.M.P.No.1978/2026
*****

M/s.Equitas Small Finance Bank Ltd.,
Rep.by its Authorized Officer,
G.R.Sivanesan, S/o.Gopala krishnan. ....Petitioner

-Vs-

1. P.Muthubharathi (Age 32/2026), S/o. Paramasamy.
2. B.Kaviyarasi (Age 55/2026), W/o. Paramasamy.
3. Mersila (Age 25/2026), W/o. Muthubharathi.

All respondents are residing at:-

No.1/162, Sindhupatti Post, P.Mettupatti,
Poruppu, Madurai-625 529. ...Respondents.
.
Advocate for the Petitioner : Thiru.K.Shanmugarajan (9994866555)

1. The Petitioner, M/s.Equitas Small Finance Bank Ltd., through its Authorized Officer filed this application U/s.14 of Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), Seeking assistance of this court to take possession of Secured Asset.

2. SCHEDULE OF PROPERTY:

All that Piece and parcel of land and Common Passage along with Building Comprised in T.S.No.2139 with an extent of 929.1/4 sq ft Situated in Thiruppudaiyar Kovil Agrahara Street Sellur Town Survey Ward 10 Corporatition Ward No.16 Madurai District and bounded with the Chokkikulam Sub Registrar office Now Presently Vilangudi Sub Registrar Office Madurai North Registration District Registration District of Madurai.

North by	:	Thiruppudaiyar Kovil Agrahara Street
South by	:	Door No.5 Common Wall
East by	:	T.S.No.2140
West by	:	T.S.No.2138

3. The petitioner is M/s.Equitas Small Finance Bank Ltd., Deponent is the Authorised Officer. He filed an affidavit that the respondents availed loan of Rs.9,90,000/- from petitioner's M/s.Equitas Small Finance Bank Ltd., by creating an Equitable Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed dated 29.05.2023. The loan became non performing asset on 28.01.2025. Therefore, the respondents were served with demand Notice. U/s.13(2) SARFAESI Act to repay the Amount within 60 days, failing which the petitioner bank shall be entitled to take all or any of the measures mentioned U/s.13(4) of the Sarfaesi Act. The respondents, however, failed to repay Rs.13,13,135/- as on 04.02.2026. The schedule property does not suffer from and Encumbrance.

4. **In Techno Builders and Ors //VS// Canara Bank and Ors (MANU/TN/9525/2019)** Hon'ble High Court of Madras held thus: ***"In the considered opinion of this Court, Section 14 of the SARFAESI Act did not contemplate any notice of hearing/objection from the Borrowers and as such there may not be any necessity of affording opportunity of personal hearing to the Borrowers/Petitioners and that apart though it is the claim of the petitioner that the appeal is pending against recovery proceedings, there is no interim order in operation and in the absence of the same, it is always open to the 2nd respondent to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act by the 1st respondent" (Para No.6).This is reaffirmed by our Hon'ble Madurai Bench of Madras High Court in Division Bench decision dated 22.12.2021 in M/s.Shanmuganathan Cold Storage Pvt Ltd., -vs- 1. Authorized Officer, Karnataka Bank Ld and anr.***

5. The CMM or DM Magistrates perform only the ministerial functions under section 14 of SARFAESI Act . Further Sec.14(3) of SARFAESI ACT Says as below:

"No act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this section shall be called in question in any court or before any authority"

Section 14 is procedural in nature and merely empowers the CMM or DM to assist the secured creditor in taking possession of the secured assets and it does not cloth them with the power to adjudicate in respect of any dispute pertaining to secured assets. Further Hon'ble Apex Court has observed that there is no adjudication of any kind at this stage and CMM/DM acting U/s.14 of the npa act is not required to give notice either to the borrower or to the third party, through citing various judgments in it's decision in **Standard Chartered Bank -vs- Noble Kumar and others in 2013 CTC 6 683: 2013 (5) LW 97** Therefore, service of any notice to the borrower is not contemplated in Section 14 of the Act. In this context, this court is of a view that Advocate Commissioner can be appointed for taking possession without sending any notices to the respondents.

6. In fine, the petition is allowed and **Advocate R.Brindha (Roll No.MS.No.6387/2023 Mobile No.7397679275)** is hereby appointed as Commissioner. He is directed to assist the petitioner for taking possession of the secured as set and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate Commissioner can get Station House Officer of Sellur Police Station for Police assistance/protection for taking possession and Break open (if warranted), without approaching this court separately for such purpose. The Commissioner's remuneration is fixed at Rs.20,000/-. The remuneration has to be paid directly by the petitioner.

Dictated directly to the Steno-typist and typed by her in computer and after rectification taken printout and pronounced by me in Open Court on this 8th day of April 2026.

SELVAPANDI Digitally signed by SELVAPANDI Date: 2026.04.08 04:08:20 +0530

Chief Judicial Magistrate,

Madurai.