IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI

Present: N.Senthil Murali., B.Sc.,M.L.,
Chief Judicial Magistrate,
Tiruchirappalli.

Thursday, the 04th day of June, 2026

Crl.M.P. No.4419/2026
CNR No.TNTP030081902026

M/s. Equitas Small Finance Bank Limited
No.769, Spencer Plaza Phase II,
4th Floor, Anna Salai, Chennai-600002.
Hub Office at K.K.Nagar Branch,
Represented by its Authorized Officer
Mr. Sithik.

... Petitioner

//VS//

1. Mr. Ponnusamy Mookan
   1304 South Poigaipatti,
   Manapparai Taluk,
   Tiruchirappalli-621306.
2. Mrs. Karthika,
   1304 South Poigaipatti,
   Manapparai Taluk,
   Tiruchirappalli-621306.

... Respondents

Advocate for the Petitioner : Ms. Tamilarasi

The Petitioner, Equitas Small Finance Bank Limited 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.

SCHEDULE OF PROPERTY

All that piece and parcel of Land and Building with an extent of 9583 Sq.Ft., (22 Cents), Comprised in Survey No.619/4, situated at Poigaipatti Village, Maraipparai Taluk and Trichy District and Bounded on the:

North by : Balance Land belongs to Mr. Palanisamy and others

South by : East to West pathway

East by : Land belongs to Mr. Karutha Kounder

West by : Balance Land belongs to Mr. Palanisamy and other

Situated within the Sub Registration District of Manapparai and Registration District of Trichy.

3. The petitioner is Equitas Small Finance Bank Limited deponent is an authorised officer. He filed an affidavit that the respondents availed loan of Rs.9,00,000/- from petitioner Equitas Small Finance Bank Limited by creating a Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed. The loan became Non-Performing Asset on08.10.2025. Therefore, the respondents were served with demand Notice dated 03.11.2025 u/s.13(2) SARFAESI Act to repay the loan 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. Thus, Rs.10,21,309/- was due as on 12.03.2026. The schedule property does not suffer from any 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 an 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 2^nd^ respondent to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act by the 1^st^ respondent" (Para No.6).This is reaffirmed by our Hon'ble Madurai Bench of Madras High Court in M/s.Shanmuganathan Cold Storage Pvt Ltd., -vs- 1. Authorized Officer, Karnataka Bank Ld and anr.***

5. The CMM or DM Magistrate 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 SARFAESI Act is not required to give notice either to the borrower or to the third party, 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 the 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 **T. Lavanya (Enrollment No.4455/2023)** (Mobile No.8220410718) is hereby appointed as Commissioner. He is directed to assist the petitioner for taking possession of the secured asset and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate/Commissioner can avail the aid of Station House Officer of **Manapparai Police Station** for taking possession and Break open (if warranted), without approaching this court separately for such purpose. The Commissioner's remuneration is fixed at Rs. 30,000 /-. The remuneration has to be paid directly by the petitioner. Report by 10.07.2026.

Dictated directly to the Typist and typed by her in computer, taken printout and pronounced by me in Open Court on this 04th day of June, 2026.

N SENTHIL MURALI

Digitally signed by N SENTHIL MURALI
Date: 2026.06.04 17:53:37 +0530

Chief Judicial Magistrate,
Tiruchirappalli.