In the court of the Chief Judicial Magistrate, Pudukkottai.

Present: Thiru.K.S.Paulpandian,B.A.,B.L.,
Chief Judicial Magistrate,
Pudukkottai

Dated 24th day of July 2026

Crl.M.P.No.554/2026

M/s. AU SMALL FINANCE BANK LIMITED.,
(Formerly known as Fincare Small Finance Bank Limited)
Tiruchy Branch-62001.
Represented by its Authorized Officer
Mr.Utha Singh

....Petitioner

/Vs./

1. Mr.Raja,
S/o.Sakthivel.

2. Mrs.Rameswari Pavun
W/o.Raja.

Both are residing at
No.270, Kaligapatti,
Rapoosal Post, Illuppur T.K.,
Pudukkottai District-622102.

.... Respondents

Advocate for the Petitioner - Mr.R.Ashokkumar.

ORDER

The Petitioner M/s. AU SMALL FINANCE BANK LIMITED through its Authorized Officer filed this application U/s.14 (1) & (2) 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.

<u>2. DESCRIPTION OF THE PROPERTY</u>

Pudukkottai District Registration District, Illuppur Taluk, Illuppur Sub Registration Office, Annavasal Panchayat Union, Door No.270 Rapoosal Village, Survey No.146/9B Hec 0.07.0 Ares or 17 ¼ cents 7521 Sq.ft of land with the following.

<u>Four Boundaries:</u>

North	:	Rengammal Vagaiyara Property.
South	:	Rengammal Vagaiyara Property.
East	:	Thaar Road Leading to Thayinipatty.
West	:	Rengammal Vagaiyara Property.

Within these four boundaries measuring 17 ¼ cents of property and the building constructed thereon with EB services connection its deposit with all pathway and easements rights.

3. The petitioner namely M/s. AU SMALL FINANCE BANK LIMITED through its Authorized Officer seeking for appointment of advocate commissioner to take physical possession of the schedule mentioned property and documents relating there to as mentioned in the petition. The petitioner submits that the respondents approached the petitioner for availing the loan of Rs.10,00,000/- against the property. After that the petitioner accepted the respondents request and sanctioned a loan Sanction Letter issued by the petitioner on such terms and conditions. The petitioner bank issued possession notice. Under section 13(4) of the SARFAESI Act and effected a paper publication is one of the vernacular language Tamil and A English News Paper. As on 06.08.2025 the respondents are liable to pay a sum of Rs.9,70,072/- to the petitioner bank under the above said loan accounts. In order to take possession as physical the petitioner has come forward to file this petition pleads to take possession through this court.

4. In Techno Builders and Ors //VS// Canara Bank and Ors (MANU/TN/9525/2019) the Hon'ble High Court of Madras held that:

"***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 creditor to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act .***

5. The CMM or District Magistrates perform only the ministerial functions under section 14 of SARFAESI Act and it cannot be called in question in any court or before any authority. Section 14 is procedural in nature and merely empowers the CMM or District Magistrates 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. Therefore, service of any notice to the borrower is not contemplated in Section 14 of the Act. The petitioner has also filed an affidavit stating that 'No stay' was pending with regard to this debt before the Debt Recovery Tribunal or any other competent Court. In this context, this court is of a view that Advocate Commissioner can be appointed for taking possession without sending any notices to the respondent.

6. In fine, the petition is allowed and **Advocate.N.Rengasamy, MS.No.618/2020** 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, Advocate Commissioner can get 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.25,000/-. The remuneration has to be paid directly to the Advocate/Commissioner at the time of inspecting the property. The Advocate/Commissioner is directed to file report in pursuance of handed over the property to the petitioner before this Court within a month.

Dictated, to the Steno typist, directly and typed by her, corrected by me and pronounced by me in the open court this 24th day of July 2026.

Sd/-K.S.Paulpandian,
Chief Judicial Magistrate,
Pudukkottai.

//True Copy//