IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

PRESENT : Thiru.R.V. Rajakumar, B.L.,
Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur
Wednesday this the 3rd day of June 2026

Crl.M.P.No.391/2026
(CNR No.TNVR02-001008-2026)

M/s.HDFC Bank Ltd,
Having Its Regional Office At,
No.406, Sakthi Sivam Plaza, Pumping Station Road,
9th Cross Street, KK Nagar, Madurai - 625 020.
Represented through its Authorized Officer
Mr.A.Shunmugaraja, S/o.S.Arputhananantham
Aged about 38 years

... Petitioner

/ Vs /

1) **Mr.Pandy C (39/M/2026)**
S/o.Chelliah,
Plot No.11, Pakkiyalaxmi Land,
Pillayar Kovil Street,
V Pudur, Keelarajakularaman,
Srivilliputhur,
Virudhunagar - 626 136

And also at
Mr.Pandy C (39/M/2026)
S/o.Chelliah,
No.4/14, Kambar Street,
Gandhi Nagar, Kancheepuram,
Sriperumbudur,
Thndalam - 602 105.

And Also at
Mr.Pandy C (39/M/2026)
S/o.Chelliah,
Wheels India Limited,
Sriperumbudur, No.449/A1,
Singaperumal Kovil Road,
Sriperumbudur- 602 105.

2) **Mrs. Pakkiyalaxmi Sellaiya (51/F/2026)**
W/o.Chellaiah,
No.125A, South Street,

Keelarajakularaman,
Virudhunagar, V Pudur,
Srivilliputhur -626 136.

And Also at

Mrs. Pakkiyalaxmi Sellaiya (51/F/2026)
W/o.Chellaiah,
Plot No.11, Pakkiyalaxmi Land,
Pillayar Kovil Street,
V Pudur, Keelarajakularaman,
Srivilliputhur,
Virudhunagar - 626 136.

And also at

Mrs. Pakkiyalaxmi Sellaiya (51/F/2026)
W/o.Chellaiah,
No.4/14, Kambar Street,
Gandhi Nagar, Kancheepuram,
Sriperumbudur,
Thndalam - 602 105.

... Respondents

This petition came for final hearing before this Court on 01.06.2026 in the presence of Mr.B.Baskar, Advocate for the petitioner and upon hearing petitioner's side arguments, perusing affidavit, petition and other relevant documents, and having stood over for consideration till this day, this Court delivered the following :-

ORDER

1) This Petition has been filed by the petitioner seeking assistance under Section 14(1) of the Securitization And Reconstruction of Financial Assets And Enforcement of Security Interest Act 2002 (hereinafter referred to as SARFAESI Act).

2) The Case of the petitioner bank is that the bank had sanctioned loan of Rs.20,00,000/- and Insurance Premium Loan of Rs.1,16,984/- to the respondents and the 2nd respondent stood as Co-borrower. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on

03.09.2025. In order to realize the loan amount together with interest, the petitioner bank issued demand notice to the respondents under section 13(2) of the SARFAESI Act on 24.09.2025 calling upon the respondents to pay the dues to a tune of Rs.19,78,313/- and Rs.1,15,779/- as on 31.08.2025. The respondents though received the notice, they neither sent any reply nor paid the demand amount. Since, the respondents have not repaid the outstanding loan amount, the petitioner issued possession notice under section 13(4) of the SARFAESI Act on 16.12.2025. The possession notice was also published in English and Tamil Newspaper on 20.12.2025. The respondents have not surrendered physical possession and hence the petitioner has approached this court under section 14 of the SARFAESI Act to assist them in taking physical possession of the scheduled property.

3) Point for determination:

Whether the petitioner is entitled for assistance of this court in taking physical possession of the scheduled property under section 14 of the SARFAESI Act as prayed for?

4) The authorised officer of the petitioner bank has been examined as PW1 and Ex.P1 to Ex.P18 documents were marked. The submissions made by the learned counsel for the petitioner was heard and carefully considered and the exhibits produced by the petitioner were carefully perused.

5) Point and Answer:

(i) The petitioner is M/s.HDFC Bank Ltd, which falls squarely within the definition of bank under section 2(1)(c) of the SARFAESI Act. The petitioner bank have produced Ex.P2, Resolution passed by the Board of Directors of HDFC Bank issued by Company Secretary & Head -Group Oversight and appointing Mr.A.Shunmugaraja as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

(ii) The 1st respondent is the borrower. 2nd respondent stood as Co-borrower. The respondents have availed the loan facilities against the property of the 2nd respondent to an amount of Rs.20,00,000/- and Rs.1,16,984/- Ex.P3, Loan Application, Ex.P4 and P5, Loan Sanctions, Ex.P6 and P7, Loan Agreement shows that the respondents had availed loan as stated by the petitioner.

(iii) The loan has been sanctioned against the property of the 2nd respondent. Ex.P16 shows that the 2nd respondent is the absolute owner of the petition scheduled property. Ex.P8 is the Memorandum of deposit of title deed of the petition scheduled property executed by the 2nd respondent. The respondents 1 and 2 have thus created security interest over the scheduled property and the petitioner has valid and subsisting security interest over the scheduled property.

The Encumbrance Certificate of the scheduled property has been marked as Ex.P17. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P17, Encumbrance Certificate that the scheduled property is located in Keelarajakularaman Village, Virudhunagar District and thereby within the jurisdiction of this Court. The respondents have thus created security interest over the scheduled property and the petitioner bank has valid and subsisting security interest over the scheduled property.

(iv) The respondents have defaulted in repayment of the loan amount obtained from the petitioner bank which is evident from Account Statements produced as Ex.P18. Hence, the loan has been declared as Non Performing Asset on 03.09.2025 as per the guidelines of the Reserve Bank of India.

(v) The 1st respondent is the borrower. 2nd respondents stood as Co-borrower. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents 1 and 2 demanding repayment of the loan amount. The notice under section 13(2) of the SARFAESI Act has been produced as Ex.P9. The petitioner bank is thus entitled to take physical possession of the scheduled property. The petitioner bank has taken symbolic possession by issuing Ex.P12, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P13 and P14.

(vi) Though, the respondents have been served with the notice, they have not surrendered physical possession of the scheduled property. The authorized signatory of the petitioner bank has affirmed on oath that the respondents are purposely delaying surrender of possession of the scheduled property and that there is no stay granted against taking possession of the scheduled property. From the affirmation of the authorized signatory of the petitioner on oath and on perusal of the documents exhibited on the side of the petitioner, this court is satisfied that the petitioner bank has properly complied with the conditions precedent for invoking the provision under section 14 of the SARFAESI Act. Through the affidavit filed by the authorized signatory and through the exhibits marked on their side, the petitioner has satisfactorily established the default on the part of the respondents 1 and 2 in repayment of the loan amount; the loan amount is not barred by limitation; the scheduled property was offered as security for the loan amount secured and; the scheduled property is located within the jurisdiction of this court.

(vii) Thus, considering the above observations, this court finds it fit to issue proper direction to take physical possession of the secured assets described in the schedule of property after taking proper inventory and also to handover the possession of the property to the petitioner bank and as such this petition is liable to be allowed.

In the result, this petition is allowed thereby appointing **Mr.R.Sureshkumar (MS No.4828/2021) (Ph.No.9965547156)** as Advocate Commissioner

1. to inspect the petition mentioned property after giving notice to both side;
2. to take inventories;
3. to take physical possession and immediately hand it over to the petitioner/secured creditor;

4. the Inspector of Police, Keelarajakularaman Police station and the Village Administrative Officer, Keelarajakularaman Village are directed to provide suitable assistance to the Commissioner in executing the warrant in respect of the property.

5. the Advocate Commissioner may break open any locks put to the doors of the scheduled property if the same is necessary for handing over physical possession.

A sum of Rs.25,000/- is fixed as remuneration for the Advocate Commissioner. The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. The Advocate Commissioner shall file a report before this court. The petitioner shall file an affidavit before the advocate commissioner swearing that no stay has been granted in this regard prior to the execution of the warrant.

R V RAJA KUMAR Digitally signed by R V RAJA KUMAR Date: 2026.06.03 14:26:46 +0530

Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.

SCHEDULE OF PROPERTY

(Description of Secured Assetin respect of which security Interest has been created)

Virudhunagar District, Virudhunagar Registration District, Keelarajakularaman Sub-Registration office, Vembakottai Taluk, Keelarajakularaman Village, Patta No.130, in that land comprised in Ayan Punjai S.No.1265/1A1 measures 0.18.5 Hectare i.e.45.695 Cents in that Eastern side 4th Portion measure 11 Cents and 2nd portion measures 11 cents totalling 22 cents has been divided into house plot no.11 and in which comprising site and super structure abounded on :

Plot No.11 Measuring

East to West on the both sides : 36 ft

North to South on the Eastern side : 36.75 ft

North to South on the Western side : 36.50 ft

Totally measuring 1318.50 sq.ft. i.e.,122.54 sq.mtr, i.e.3.02 cents and in which constructed house with all its fixtures and fittings and include E.B. Connection 2 point switch board.

This property house building bearing D.No.1/382A.

Boundaries

East by : Plot No.12 belongs to the person Executing the Documents

West by : Plot No.10 belongs to Paramasivam

North by : 10 ft wide East-West street

South by : Thalaku Thevar Property

This property as now comprised in R S No.1265/1A1G.

This Property lies within the limit of Keelarajakularaman Panchayat, Srivilliputhur Union.

All Rights of Pathway and Easements Rights Thereon. Land along with building shops constructed there on with electricity service connection, meter, meter deposit, water service connection and all rights of pathway and easements rights thereon.

Petitioner side Documents :

Ex.P.1	17.03.2023	The order issued by the National Company Law Tribunal Mumbai Bench	Xerox Copy
Ex.P.2	27.11.2024	Resolution passed by Board of Directors of HDFC Bank Ltd along with the letter of authorization.	Xerox Copy
Ex.P.3	12.11.2021	Loan Application	Xerox Copy
Ex.P.4	29.11.2021	Loan Sanction	Xerox Copy
Ex.P.5	31.01.2022	Loan Sanction	Xerox Copy
Ex.P.6	31.01.2022	Loan Agreement	Xerox Copy
Ex.P.7	31.01.2022	Loan Agreement	Xerox Copy
Ex.P.8	31.01.2022	Registered Memorandum of Deposit of Title Deeds vide Doc.No.321/2022	Xerox Copy

Ex.P.9	24.09.2025	13 (2) Statutory notices to the Respondents along with its postal receipts & acknowledgements.	Xerox Copy
Ex.P.10	07.10.2025	Paper Publication of 13(2) Demand Notice in Tamil Daily	Original
Ex.P.11	07.10.2025	Paper Publication of 13(2) Demand Notice in English Daily	Original
Ex.P.12	16.12.2025	13(4) Possession Notice to the Respondents along with its postal receipts & acknowledgements	Xerox Copy
Ex.P.13	20.12.2025	Paper Publication of Posession Notice in Tamil Daily	Original
Ex.P.14	20.12.2025	Paper Publication of Posession Notice in English Daily	Original
Ex.P.15	16.12.2025	13(4) Possession Notice was affixture by peititioner	Xerox Copy
Ex.P.16	25.06.2008	Sale deed in vide Doc.No.2470/2008 for the schedule mentioned property	Xerox Copy
Ex.P.17	11.01.2026	Encumbrance Certificate	Online Copy
Ex.P.18	31.12.2025	The Statement of Accounts	Online Copy

R V RAJA KUMAR

Digitally signed by R V RAJA KUMAR
Date: 2026.06.03 14:26:54 +0530

Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.

Chief Judicial Magistrate Court,
Virudhunagar District at
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Order Dated: 03.06.2026