

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
MAYILADUTHURAI.**

Present :

**Thiru. M.K. MAYAKRISHNAN, B.B.A., B.L.,
Chief Judicial Magistrate.**

Friday, the 10th day of January, 2025.

Criminal Miscellaneous Petition No.46/2025.

Petitioner : Muthoot Housing Finance Company Limited,
Represented through its Authorized Officer,
Mr. A. Parameswaran, Having its Branch Office at,
First Floor, Raj & Raj Complex, 53,
Mothilal Street, Near Anjaneyar Temple,
Kumbakonam, Thanjavur, Tamil Nadu – 612 001.

Respondents / : 1) Mrs. Seethalakshmi, W/o. Nelsanmandala,
Borrower 129, Matha Kovil Street, Mampulli Old, Koodalur,
Thiruvallankadu Panjayath,
Palayagudalur,
Nagapattinam, Tamil Nadu – 609 801.

Respondents : 2) Mr. Nelsanmandala,
129, Matha Kovil Street, Mampulli Old,
Koodalur, Thiruvallankadu Panjayath,
Palayagudalur, Nagapattinam,
Tamil Nadu – 609 801.

Also At:

Natham Manai Comprised In S.No.310/41
(Old S. No.310/11), Patta No.438,
Situating At Mampulli Madhakovil Street,
Thiruvalangadu, Thirappu Village, Kuthalam Taluk,
Nagapattinam District, Now Mayiladuthurai District,
Tamil Nadu – 609 801.

The Petition was taken on file 03.01.2025 and coming on 08.01.2025 for final hearing before this court in the presence of Mr. S. Sivakumar the learned counsel for the Applicant/secured creditor and upon hearing the arguments and on perusal records this court passed the following

ORDER

1. The Applicant/Secured creditor filed this application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.[SARFAESI Act] along with an affidavit duly affirmed by the authorized officer of the Applicant/secured creditor seeking assistance of this court to take possession of the secured asset.

2. Heard the learned counsel for the Applicant/secured creditor and the affidavit of authorized officer of the Applicant/secured creditor and records perused.

3. It is the contentions of the authorised officer, that the Applicant/Secured creditor sanctioned a loan in favour of the Respondents/borrower and the said loan was secured by a registered deed created by borrower in favour of Applicant/Secured creditor. The Respondents/borrower committed default in repayment of the said loan and the loan account was assessed as a Non - Performing Asset (NPA). The Applicant/Secured creditor bank issued a notice under section 13 (2) of the SARFAESI Act calling upon Respondents/borrower to pay the amount. A public notice was also issued by the Applicant/Secured creditor in newspapers. However, the Respondents/borrower did not pay the loan amount and thereafter, the Applicant/Secured creditor filed this application seeking assistance of the court, for taking physical possession of the secured assets.

4. It is settled law, that the power of the court described in Section 14 of the SARFAESI Act is ministerial in nature and there is no adjudicatory process and notice to the borrowers is not necessary. Here in this petition, the provisions of SARFAESI Act and the rules made there under had been complied with properly and this court is satisfied with the contents of the affidavit filed by the authorized officer of the Applicant/Secured creditor and also the ingredients of Section 14 of the SARFAESI Act is satisfied. Therefore, this court is inclined to allow this petition.

5. In the result, the petition is allowed and Miss A. Jayarani, Advocate is hereby appointed as Commissioner. The Advocate/Commissioner is directed to assist the Applicant/Secured creditor to take possession of the schedule mentioned secured assets, after taking inventory of the articles, and handover to the Applicant/Secured creditor, so as to proceed to recover the dues. The commissioner is permitted to approach the local police for assistance to obviate any untoward situation or law and order problem at the site while taking over possession. The commissioner shall prepare a detailed report for the entire proceedings and the same is to be filed before this court. The Commissioner's remuneration is fixed as Rs.10,000/- and the Applicant/Secured creditor shall pay the same directly to the Advocate/Commissioner on or before 31.01.2025 and file memo to that effect. For Commissioner report call by 14.02.2025.

Dictated to Steno - Typist, typed by her directly in computer and corrected and pronounced by me in the open court, this the 10th day of January 2025.

(Sd/- M.K. Mayakrishnan)
Chief Judicial Magistrate,
Mayiladuthurai.

SCHEDULE OF SECURED ASSETS

Description of Property :-

All that piece and parcel of Natham Manai Comprised in S. No.310/41 (Old S. No.310/11) Measuring with an extent of 1076 Sq. Ft (100 Sq. Mtr.) Patta No.438
Crl.M.P.No.46/2025, Dated : 10.01.2025

Situated at Mampulli Matha Kovil Street Thiruvalangadu Thirappu Village, Kuthalam Taluk, Previously Nagapattinam District, Now Mayiladuthurai District.

Schedule of Boundaries:-

North by : Sathish House and Manai
South by : Kaliyaperumal House and Manai
East by : Victor House and Manai
West by : Street

Within the Sub- Registration District of Kuthalam and in the Registration District of Mayiladuthurai.

(Sd/- M.K. Mayakrishnan)
Chief Judicial Magistrate,
Mayiladuthurai.