**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, NAMAKKAL**

Present: Tmt. A.Shanmuga Priya, B.Sc(Agri)., B.L.,
Chief Judicial Magistrate,
Namakkal.

Monday, the 24th day of August 2026
(திருவள்ளுவராண்டு 2057, பராபவ வருடம் ஆவணித் திங்கள்7ம் நாள்)

**C.M.P.No. 985/2026**
**(CNR.No.TNNM02-001594-2026)**

Piramal Finance Limited,
( Formerly Known Dewan Housing Finance Corporation Ltd)
Represented by its Authorized Officer,
S.Honestraj.
Branch office at,
No. 71, 2nd floor,
Sun Enterprises Complex,
Avarampalayam Road,
Siddhapudur,
New Siddhapudur,
Coimbatore, Tamilnadu 641044. .. Petitioner

// Vs //

1.A. Jeevanantham,
No. 287/a7,TNHB Colony,
Kollampatti,Tiruchengode,
Namakkal,Tamilnadu – 637214.

Office Address:
No. 7a/7,Kokkarayan Pettai Road,
Kollampatti, Tiruchengode,
Namakkal, Tamilnadu – 637 214.

Property Address:
SF.No. 213/1, TS No. 25pt, Ward G,
Block 35,D.No. 7A/7, Kokkarayan Pettai Road,
Kollapatti,Tiruchengode,
Namakkal, Tamil Nadu -637 214.

2.J. Jothilakshmi,
No. 287/a7,TNHB Colony,
Kollampatti,Tiruchengode,
Namakkal,Tamilnadu – 637214.

3.Jeeva Textiles,
No. 7a/5,Kokkarayan Pettai Road,
Kollpatti, Tiruchengode,
Namakkal, Tamilnadu – 637 214.

4.Priyam Clothing
No. 7a/7,Kokkarayan Pettai Road,
Kollampatti, Tiruchengode,
Namakkal, Tamilnadu – 637 214. ..Respondents.

This petition came before me for final hearing on 14.08.2026, in the presence of Tmt.J. Vanaja, Advocate for the petitioner and upon hearing petitioner side arguments, perusing the petition, and documents and having stood over for consideration till this day, this court delivered the following…

**ORDER**

This petition has been filed by the petitioner under Section 14 of the SARFAESI ACT 2002.

2. It is submitted that the 1st and 2nd respondents have approached the petitioner and have availed loan account No. 00400006881 for Rs. 3,03,15,000/- ( Rupees Three Crore Three Lakhs Fifteen Thousand only) as per sanction letter dated 04.09.2017 and the respondents had availed a loan facility by way of mortgaging the property producing the Dhana Settlement Deed vide Document No. 7970/2008, dated 24.11.2008 and the 1st respondent is borrower, 2 to 4 respondents are co borrowers and the respondents have loan account No. 00400006881 for Rs. 3,03,15,000/- as per sanction loan agreement dated 06.09.2017 and Memorandum of Deposit of Title Deed Document No. 4197/2017, dated 22.09.2017 and the respondents became irregular and the said account was classified as Non-Performing Asset on 08.11.2022 by the petitioner in its regular course of operation as per the guidelines prescribed by the Reserve Bank of India and the respondents did not take any steps to regularize the account and inspite of repeated demands made by the petitioner bank the respondents neglected to repay the outstanding amount due to the petitioner bank and continued to be indifferent and the petitioner in order to realize the loan facilities extended to the respondents was left with no other alternative than to initiate auction under Securitization Act and accordingly, the

petitioner bank through the Authorized Officer issued a registered notice dated 29.12.2022 to all the respondents U/s. 13(2) of the SARFAESI Act and called upon the respondents to discharge the liabilities amount of Rs. 3,61,30,944/- ( Rupees Three Crore Sixty One Lakhs Thirty Thousand Nine Hundred and Forty four only )as on 30.11.2022 together with future interest, cost, charges, etc., within 60 days from the date of the receipt of said notice and the possession notice was also sent on 02.06.2023 and sec 13(2) notice was received by the respondents and Track Consignment on 20.01.2023 and the paper publication demand notice was effected in English -The New Indian Express and in Tamil – Dhinamani on 10.02.2023 and accordingly, the paper publication possession notice was effected in English -The New Indian Express and in Tamil – Dhinamani on 09.06.2023 and the sum due to the petitioner bank for loan from the respondents herein is the loan Account No. 00400006881, outstanding balance of Rs. 3,65,34,159.68/-( Rupees Three Crore Sixty Five Lakhs Thirty Four Thousand One Hundred Fifty Nine and Sixty eighty paisa only ) as on 25.05.2026 and the respondents herein are also liable to pay subsequent interest beside the cost and other charges and it is pertinent to state that the amount which is payable by the respondents is public money and the respondents cannot be allowed to hold the property without paying the sum due to the petitioner bank. Hence this petition.

3. **Point:**

Whether this petition is liable to be allowed or not?

4. Heard. On the side of the petitioner, the following documents were marked as Ex.P1 to Ex.P 17.

| Sl. No | Date | List of Documents | Remarks |
|---|---|---|---|
| 1 | 20.05.2026 | Board Resolution letter appointing as Authrized Offcer | Xerox copy |
| 2 | 04.09.2017 | Letter of offer cum Acceptance | Xerox copy |
| 3 | 06.09.2017 | Loan Agreement | Xerox copy |
| 4 | 24.11.2008 | Settlement deed bearing Doc. No.7970/2008 in favour of 1st respondent Jeevanantham. | Xerox copy |
| 5 | 22.09.2017 | Memorandum of Deposit of Title Deeds bearing Doc No.4197/2017 executed by 1st | Xerox copy |

| | | | |
|---|---|---|---|
| | | respondent Jeevanantham in favour of Petitioner bank. | |
| 6 | 29.12.2022 | Demand Notice u/s 13(2) SARFAESI ACT along with Postal receipt. | Xerox copy |
| 7 | 20.01.2023 | Track Consignment of Demand Notice | Xerox copy |
| 8 | 10.02.2023 | Demand Notice of Paper Publication in English & Tamil | Original |
| 9 | 02.06.2023 | Possession Notice u/s 13(4) SARFAESI ACT | Xerox copy |
| 10 | 16.06.2023 | Acknowledgement Cards of Possesion Notice | Xerox copy ( Compared with original ) |
| 11 | 09.06.2023 | Possession Notice of Paper Publication in English & Tamil | Original |
| 12 | 25.05.2026 | Account Statements with forclosure | Xerox copy |
| 13 | 14.07.2026 | Encumbrance Certificate for the period from 01.01.2008 to 13.07.2026 | Xerox copy |
| 14 | 22.03.2025 | Certificate of Incorporation pursuant to change of name | Xerox copy |
| 15 | 21.02.2022 | Certificate of Registration | Xerox copy |
| 16 | 03.11.2021 | Certificate of Incorporation pursuant to change of name. | Xerox copy |
| 17 | 13.07.2026 | CERSAI Report | Xerox copy |

5. The petitioner had produced copy of loan documents, title deed, notice, Track Consignment reports, possession notice and paper publications and established that the schedule mentioned property were hypothecated and mortgaged and this petition was filed after expiry of 60 days from the date of receipt of notice issued under Sec.13(2) of SARFAESI Act by the respondent and the respondent is not entitled to any further notice under the said act from this court and the petitioner bank is having its branch office at Coimbatore but the petition mentioned property is situated in Namakkal District, Tiruchengode Taluk, Tiruchengode Village within the jurisdiction of this court. Settlement Deed and Encumbrance certificate were also produced by the petitioner to show the title of the 1st respondent. Necessary affidavit of the authorized officer of the Secured creditor/Petitioner was also filed and he duly affirmed that the provisions of the

SARFAESI Act and rules have been complied with. This court has satisfied about the contents of the affidavit filed for the purpose of taking the possession of secured assets. Thus, there is compelling situation arise for the petitioner to realize the loan amount by taking necessary action to take actual possession of the secured assets by sale or transfer. For the said purpose, it is just and necessary to render assistance to the secured creditor in taking possession of the secured assets and in doing so, the court can appoint a Commissioner for identification of the secured assets and taking possession thereof and if there is any resistance, police assistance can be sought for and take effective steps to have possession of the secured assets taken over.

6. In the decision of Our Hon'ble Apex Court in **Authorised Officer, Indian Bank Vs The Visalakshi and another (Civil Appeal No. 6295 of 2015), dated 23.09.2019.,** it has been held as below:

**"This is only a procedural step without any adjudication of any dispute whatsoever. The action is therefore, only an administrative order made for taking possession of the secured assets, if all other conditions are fullfiled. Having already noted that the powers exercised by the CMM and DM in terms of Section 14 of the 2002 Act are synonymous to each other and that they are not adjudicatory in nature"**

**"It did notice that the authority referred to in Section 14 of the 2002 Act has no power to adjudicate upon any rights of the parties but can only render assistance to the secured creditor to recover possession "**

**"The power to be exercised under Section 14 of the 2002 Act by the concerned authority is, by its very nature, nonjudicial or State's coercive power. Furthermore, the borrower or the persons claiming through borrower or for that matter likely to be affected by the proposed action being in possession of the subject property, have statutory remedy under section 17 of the 2002 Act and /or judicial review under Article 226 of the Constitution of India. In that sense, no prejudice is likely to be caused to the borrower/lessess: nor is it possible to suggest that they are rendered remedy less in law. At the same time, the secured creditor who invokes**

**the process under Section 14 of the 2002 Act does not get any advantage muchless added advantage"**

**"It also noted that the authority after receiving such request under Section 14 of the 2002 Act, was not expected to do any further scrutiny of the matter except to verify from the secured creditor whether notice under Section 13(2) of the Act has already been given or not and whether the secured asset is located within his jurisdiction. There is no adjudication of any kind at this stage. The Court also noticed in paragraph 23 of the reported judgment that after amendment of Section 14 of the 2002 Act, by inserting first proviso therein, the designated authority has to satisfy itself only with regard to the matters mentioned in clauses (i) to (ix) "**

7. On considering the above documents filed on the side of petitioner and in view of the principles laid down by our Hon'ble Apex Court it is clear that the provisions of SARFAESI Act has been complied with.

8. Hence, on considering all the above, this court is of the view that appropriate direction to prepare inventory and to take physical possession of the secured asset shall be passed in favour of the petitioner and hence, this court is inclined to allow this application.

SCHEDULE OF PROPERTY

| Sl. No. | S.F.No. / Site No. | Extent | Location | Boundaries |
|---|---|---|---|---|
| 1 | S.F.No. 213/1<br><br>D.No. 7A/7 | An Extent of 33 cents ofVacant Site with RCC roof and AC Sheet and with Building and Amenities | Namakkal Registration District, Tiruchengode Sub-Registration District, Tiruchengode Taluk, Tiruchengode Village. | North of : The property settled,<br><br>South of: Property sold by Mrs. Salammal<br><br>East of : Road Goes to Kokkarayanpettai<br><br>West of: Waste land passage,<br>This land belongs to TSLR No.24, Ward-G, Block No.35, Kokkarayanpettai Road. |

In the result, this application is allowed. Thiru.M. Kumaralingam Advocate, (M.S.No.1057/2011) (Mobile No.9787759059) is appointed as an Advocate Commissioner;

1. to inspect the petition mentioned property:
2. to take inventories:
3. to take physical possession and immediately to hand over to the petitioner/secured creditor and
4. If necessary take assistance of Police and Revenue Officials in executing the warrant.
5. The petitioner shall deposit a sum of Rs.20,000/- towards remuneration for Advocate Commissioner into the court within a week and after executing the warrant and filing the report, the Advocate Commissioner can get the said amount by filing necessary application. Report by 07.09.2026.

Dictated directly to the steno-typist, typed by her, corrected and pronounced by me in the open court, on this the 24th day of August 2026.

A SHANMUGAPRIYA

Digitally signed by A SHANMUGAPRIYA
Date: 2026.08.24 20:14:18 +0530

Chief Judicial Magistrate,
Namakkal.